

A CONTRIBUTION TOWARDS
A HISTORY OF THE POLICE IN BENGAL.

BY

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PREFACE.

IN the following pages an attempt is made to trace the history of police development in the Bengal Presidency by bringing together some of the more important documents on the subject.

As an introduction I have given a sketch of the history of the police in England, condensed from Captain Melville-Lee's *History of the Police in England*, a book which should be studied by all who are anxious to understand police administration in this or any country.

The police in India are frequently the subject of criticism, and often, both those who criticise, and those against whom the criticism is directed, are ignorant of the growth of the present system and of the efforts that have been made during the last 100 years to improve it.

It is hoped that this rough attempt to collect materials will create in others, competent to write a history of the police, an interest in the subject and will simplify their work, to some extent at least, by guiding them to the original documents. A short well-written history of the police would be of the greatest service, not only to the officers of the force, but also to the general public. It would help all to realize the magnitude of the task of reform, to appreciate the efforts that have already been made, and to realize the success achieved. Intelligent and helpful criticism must be founded on knowledge, and from knowledge alone will come that public sympathy which a force, the object of which is to protect society, should always command.

These chapters have been put together in the midst of a busy official life. They contain many imperfections, but I hope they will prove helpful.

I am greatly indebted to Mr. Chapman, the Librarian of the Imperial Library, and his staff, for assistance rendered in searching for documents. As will be seen from the list given in the Appendix, there are many books, articles and reports dealing with police work in India, and especially in Bengal, which are little known to the ordinary reader. I am indebted also to Babu Krishnadhan Mukharji of the Police Branch of the Political Department for much assistance willingly rendered.

INTRODUCTION.

A short History of the Police in England.*

The police in Saxon times was closely connected with land tenure. The "Thane"—a holder of the land for the King—was responsible for crime committed by his vassals: he was bound to produce the offender or make good the injury. There were many householders, however, who were not vassals, and who were styled "freemen," and these were bound to join with fellow freemen and so form a society the members of which were jointly responsible for the keeping of the peace by each member. The tything (as these societies of ten householders were called) were bound to produce the member who had offended and to make good the injury. The tythings were banded together in groups of ten—called "hundreds" and where the tything failed, the hundred was held responsible. In each county or shire there was a local officer, usually one of the Thanes and probably elected by the people—called the "Shire reeve," who was responsible to the King for the peace of his shire and to whom cases of dispute or difficulty were referred.

After the Norman Conquest in 1066, there was a redistribution of the land among the foreign Barons; the new holders of the land did not understand their obligations as the old landholders did and at first they made little attempt to understand local customs: but they seized upon the office of Sheriff and turned it to their own advantage. The Saxon Sheriff trusted the tythings to maintain the peace and to come to him in cases of difficulty, but the Norman Sheriff went on circuit and tried to ferret out crime, and in any case imposed fines to the profit of the State and no doubt of himself also. The chief virtue of the tything system, viz., mutual trust between the people and the King's men, disappeared, while its chief defect became more marked, for the tything men were encouraged to conceal crime and to shield the offender and so to avoid the consequences. There could only be one Sheriff in a county, but when there was more than one Thane, or Baron, each of them naturally wished to hold a court of his own in order to profit by the dispensation of justice: the King granted to certain Barons the privilege of holding a Court Leet: and gradually the practical jurisdiction of the Sheriff's Court was confined to the lands of such Thanes as were Sheriffs and their courts gradually became themselves Courts Leet. By the time of Richard I, the Sheriff Courts had disappeared and he, feeling the necessity for some King's justice, divided England into six Circuits and appointed three Justices of Assize for each. But there was anarchy throughout the land: the old system of tything had disappeared and the Barons had no master strong enough to control them: they robbed the people and when an opportunity arose the people retaliated.

The first King who was determined to be master in his own house and to maintain the King's peace was Edward I. and the Statute of Winchester passed by him in 1285 "for to abate the power of felons" marks an era. The Statute brought together the broken pieces of the old system and cemented them by defining duties and powers. The Statute contained little that was new, but it defined what the King understood by old customs and what in old customs he was determined to see carried out. It confirmed the old responsibility of the hundred for crimes committed within its boundaries; it defined watch and ward—every city and every borough was bound to maintain a watch by night; it defined hue and cry—every householder was bound to join in the pursuit of a criminal; and it laid down the principle that every man must be armed in accordance with his circumstances "to keep the peace."

This Statute remained in force with little alteration for 500 years and is to-day the foundation of the law regarding the keeping of the peace. Edward I also defined the duties of Coroner—an officer who in each county

* Condensed from *A History of the Police in England*, by Captain Melville-Lee

was chosen by the people to represent the King and was sworn by the Sheriff. His duty was to inquire into all cases of unnatural death and house-breaking, hunt out offenders and supervise the ways of bad characters.

Edward I for the first time in history made special provision for London by a Statute which provided for the keeping of watch and ward within the city. The city area was divided into 24 wards: each with six watchmen supervised by an alderman, and further, provision was made for a marching watch to patrol.

When the tythings ceased to exist, the King attempted to provide for the keeping of the peace by appointing Knights in each county to see that all men were "sworn to the King" to keep the peace. At this time the Barons' Courts Leet were gaining in power and the power of the Sheriff was dwindling: and so it came about that these Knights became Wardens of the Peace and, being given some petty judicial powers, became known as Justices of the Peace. Edward III took special personal pains to appoint only good local men as Justices of the Peace, and in his reign the justices in each county were empowered to hold a joint court quarterly for the trial of offences—this was the origin of "Quarter Sessions", a body which gradually absorbed the executive administration of the county.

The orders of these justices were carried out by the petty constables. In Saxon times every man was a policeman, but the duties in the first instance naturally fell to the chief tythingman, and it was this office which under Norman rule gradually became converted to that of constable. In Edward's time the constable for the tything or parish, city or borough, was elected by the jury of the Courts Leet. The constable's duties were to supervise the watch and ward, to keep a roster of householders and to take into custody prisoners taken by the watch, to follow the hue and cry and act under the Sheriff's orders, to make presentment of offences (*i.e.*, to report on the state of crime within his area), and lastly to serve warrants and summonses and to obey the commands of the High Constable and the Justices of the Peace.

In the time of the Tudors the attractions of the towns increased, there was more interference on the part of the Crown, and it became difficult to get good men to act as Justices. In the towns and boroughs too where wealth was accumulating, merchants were unwilling to waste time in performing the duties of constable personally, and thus arose the custom of appointing a paid deputy: a custom which, however, was not recognised in law. At this time from a variety of causes the number of wanderers with no visible means of subsistence increased to an alarming extent, and in consequence crime increased. Measures for prevention were non-existent, and the Crown vainly endeavoured to suppress crime by means of grievous penalties. When risings took place, there was no means of putting them down, until Edward VI passed an Act (the precursor of the Riot Act) authorising the appointment in a county of a Lord Lieutenant with power to levy men and lead them against the rioters.

Under the Stuarts all police administration gradually disappeared and the country was in a chaotic state. The Civil War ranged the various bands and factions, which had been accustomed to defy the law, into two camps and the King's Peace was at an end. Cromwell was determined to restore order and he was forced to use the only power he had—the Army. He placed the whole country under Military Police, and each district in charge of a Major-General, with a mounted force. These officers were men of high character and on the whole performed their part well, but the system was swept clean away at the Restoration of the Monarchy, and the country reverted to a state of chaos. The country was overrun with disbanded soldiers and vagrants and as the Courts Leet Juries had not elected constables, even these officers did not exist—in fact there was no police of any kind. Thieves, robbers, highwaymen, infested the land. From time to time troops were sent out to suppress bands, but there was no attempt made to organise any system of police. A special statute was passed offering graduated rewards and pardons for the taking of criminals and then followed an appalling amount of wickedness: men encouraged crime for the sake of the rewards they could get for the arrest of the criminal: and thieves when they could not make enough by betraying their companions in crime accused

innocent persons. Criminals acquired a certain popularity among the poorer public, because they robbed the rich and advertised their reputation for good deeds by generosity to the poor. In 1715 an attempt to control riots was made by the passing of the Riot Act, which defined a riot and gave the power to single Justices of the Peace to use its provisions.

Meanwhile the state of London was deplorable. Edward I had enacted that London should be divided into 24 wards, each supervised by an Alderman with six watchmen under him. Westminster was under the administration of the Abbey, and Queen Elizabeth continued this system, entrusting the administration to the Dean and Chapter, who delegated their powers to a High Steward. The parish was divided into 12 wards, each presided over by a Burgess appointed by the High Steward. The outbreak of the Plague in 1665 was the natural result of the absence of all municipal government, and the citizens themselves took up the question and formed voluntary societies, one of the principal of which was "the Society for the Reformation of manners in the cities of London and Westminster." The Magistrates in London as in the counties, at this time were a very inferior class of men and were known as the "Trading Justices": the work was honorary, but owing to the crime prevalent it was hard and thankless, and it was difficult to find trustworthy men of position to undertake it. Inferior men were appointed who were corrupt, and so long as the Magistrates were corrupt the police could not be improved by legislation. In the midst of this corruption two reformers arose—the brothers Fielding—Henry Fielding, the novelist, who at the age of 43 was appointed Magistrate at Bow Street, and later his half brother, Sir John Fielding, who succeeded him. These two laid the foundation of our modern police system. They introduced method and honesty into the Magistrate's office, and their constables, who were well paid, came to be professional detectives known by the name of the "Bow Street Runners." These two men also organized a preventive police force, known as the "Bow Street Patrol"—fifteen parties for the county districts, three for the town—and this small body of police, with the assistance of a mounted patrol of eight men patrolling an area within a radius of 20 miles from Charing Cross, were the first attempt at the prevention of crime by a paid constabulary.

People were slow to realise that it is better to make crime difficult than to try to suppress it by indiscriminate severity; and they were slow to realize the necessity for protection against mob violence, until the need was brought home to them by the Gordon Riots in 1780. The House of Commons appointed several committees to consider these questions, but no practical scheme was evolved. The Middlesex Justices Bill, 1792, created five new public offices on the Bow Street model, with three justices on a salary of £300, and six constables to each, but the salaries offered were not sufficient to attract good men and nothing was done to organize a force to suppress riots.

The police development from this time centres round the Metropolis. The population of the area round London amounted in 1801 to over a million. The crime, the bulk of which went undetected and unrecorded, was enormous and on the increase. In the absence of any detective force (except the 12 Bow Street Runners), injured parties gladly paid blackmail for the return of a portion of their stolen goods. Between 1800 and 1820 a number of serious riots took place, and Parliament hurriedly passed Acts in the hope of thereby repressing the seditious spirit which was abroad. These Acts, among other things, placed restrictions on the press, forbade the training of unauthorised persons in the use of arms, and empowered the justices to search for and confiscate weapons. In spite of these measures "England was passing through an epoch of criminality darker than any other in her annals." In this area round London there were at the opening of the 19th century three separate systems of administration: there was the City of London under the Mayor and Aldermen, the City of Westminster under the High Steward and Burgesses and the parishes of the counties, with their own arrangements for watch and ward. There were also the seven public offices for the dispensation of justice, and independent of those, Bow Street. There were five different classes of peace officers independent of each other, besides the special watch and ward arrangement in the City and in Westminster. There were the parish constables elected by the parish serving

gratuitously, the deputy constables paid by their principals, the Bow Street officers and patrols, the paid police constables under the Middlesex Justices Act, and lastly, the Water Police, organized early in the century by Colquhoun. The unpaid parish constable and his deputy were incompetent as peace officers. The police of the city was better than elsewhere: the Lord Mayor and Aldermen selected the deputies with care, paid them a better wage and supervised them by means of two City Marshals. Westminster was no better than the county parishes. The measures taken against crime were almost entirely repressive; there was practically no attempt at prevention. It was hoped to stamp out crime by the severity of the Penal Code, which contained 160 different offences punishable with death. The prospective criminal knew he had a good chance of not being caught and that even if caught, through a corrupt magistracy and a jury ready to evade the responsibility of giving a verdict which might lead to an outrageous punishment, he had still a good chance of escape. In the history of England strong repressive measures have never led to a decrease in the number of criminals. To make matters worse the system of "blood money" created a class whose business it was to foster crime. And beyond these repressive measures there was nothing except an unpaid incompetent parochial police assisted (sometimes thwarted) by a small stipendiary force in London. The police were powerless to afford protection against crime and the law was unable to prevent it.

But the period of reform was at hand. Bentham in 1775 had published his pamphlet on the "Rationale of Punishments and Rewards," Colquhoun in 1796 had published his book "On the Police of the Metropolis," and John Howard had commenced his great work of Prison Reform. Colquhoun saw that a clean sweep of old methods was necessary and the substitution of an adequately paid police force properly supervised. The criminals possessed organization superior to the police and the situation could be met only by improving the organization opposed to crime. It took the public long to digest these views. Parliament appointed more committees, in 1812, 1816, 1818, 1822 and in 1828. Prison abuses were reformed; public flogging, the pillory, benefit of clergy, death penalty for forgery, were one after another abolished; a general licensing Act placing the grant of licenses in the hands of the Justices of the Peace was passed, and at last in 1829 Peel passed through Parliament the "*Act for improving the police in and near the Metropolis.*"

The principal provisions of this Act were the appointment of two Justices (afterwards called Commissioners) to conduct the work of a Central Police Office (Scotland Yard), and to administer a force of paid constabulary. The finances were placed under a third officer, called the Receiver, and the rate was fixed at a sum not exceeding eight pence in the pound. The Metropolitan Police district was divided according to counties. The Bow Street Patrols were placed under the new office. Colonel Rowan and Sir Bernard Mayne were the first Justices or Commissioners. The task before them was hard; they had to raise the discredited office of constable to one of dignity and prestige, carefully to recruit a large force, to educate it in its new duties and drill it as an organized body. London (excluding the city area) was divided into 17 divisions, each with a Superintendent in charge. The division was divided into eight sections and each section into eight beats. The constabulary was organized in companies; one company with a Superintendent and four Inspectors was allotted to each division. The Inspector had under him four sergeants each in charge of a patrol of nine men: eight men for beat duty, and one to help to form a reserve at the headquarters of the division. The pay of the constable was fixed at a reasonable figure—sergeants received 20 per cent. more, Inspectors twice the constables' ~~pay~~ and Superintendents four times. The Commissioners drew up Rules and Regulations which form the basis of the present-day codes. Every constable reported to his sergeant the information acquired by him during the previous 24 hours, and thus through the Inspectors and divisional officers the Commissioners were daily kept in touch with everything that happened in the Metropolis. Information was rapidly circulated and a "Police Gazette" was instituted. Prevention of crime was inculcated as the great.

duty of the police—this duty was placed higher than the duty of detecting and securing the punishment of the offender—and officers and men alike were told that absence of crime would be looked upon as the best test of their efficiency. Another duty impressed on the force was the necessity for perfect control of temper in all circumstances. It was no easy matter to recruit a force with the necessary qualifications of honesty, intelligence, and good physique. In the first eight years, out of a total force of 3,000, there were 5,000 dismissals and 6,000 resignations, but the Commissioners persevered and success crowned their efforts.

The new police were not popular at first and there were many ready to find fault. The public had two safeguards against the improper use of such a force: in the first place the force was under the orders of the Secretary of State and in the second place it was open to criticism by the press, and the force was freely criticised. The Commissioners regarded every complaint as made in good faith and carefully investigated each, with the result that the weak members were removed and public confidence gained. The first collision with the public took place at the Coldfield riots in 1834. Many charges of wanton brutality and unconstitutional action were brought against the force, but the inquiry held immediately after by a committee appointed by the House of Commons completely vindicated the police. Public confidence in the system was established, and within the following eight years no less than 200 boroughs throughout the country applied to the Commissioners to assist them to organize similar forces. Gradually all the peace organization of the area round London, including the River Police, were brought under the Commissioners, with the exception of the City of London Police, which to this day remains independent under a Commissioner appointed (with the approval of the Secretary of State) by the Mayor and Aldermen. The City of London maintained its independence because the Mayor and Aldermen at once took up the reorganization of their watch on the metropolitan model and the efficiency of the City of London Force, and the fact that the citizens pay the whole cost without assistance from the Treasury have rendered it unnecessary and inexpedient for the Government to interfere.

The result of the reformation of the police in the metropolitan area was the migration of criminals to the larger boroughs in the counties. The Municipal Corporation Act of 1835 reconstituted the administration of the boroughs under a body known as "the Mayor, Aldermen and Burgesses" and the administration of the police was placed in the hands of a committee consisting of the Mayor and Councillors, known as the Watch Committee. Provision was also made for the appointment of Stipendiary Magistrates and the Justices of the Peace were empowered to swear in "Special Constables." The reform of the police on the metropolitan model followed, with the result that criminals were forced to abandon the larger boroughs and take to the counties.

A Royal Commission was appointed in 1839 to consider the question of police reform in the counties, and the Report of this body is the most thorough and efficient document of its kind which has ever been presented to Parliament. It deals with the question of petty thieving, of footpads, railway and canal thefts, wrecking, lawlessness in the manufacturing districts, the expense to the individual of a prosecution leading to reluctance to prosecute; the failure of the public to assist the police, due partly to the expense involved, partly to want of confidence in the police; the need for a public prosecutor. The Commissioners recommended the immediate establishment of a paid rural constabulary throughout England and Wales with an organization similar to that of the Metropolitan Police.

It was impossible to bring about such a revolution throughout the country at one and the same time and Parliament were content to pass "The Rural Police Act" of 1840 (known as the "Permissive Act") empowering the Justices in Quarter Sessions to raise and equip a paid force for the protection of the county. The result was as anticipated: the criminals migrated to those counties which did not take advantage of the "Permissive Act." In 1856 the last refuge of the criminal was closed by the passing of the "Second Rural Police Act"—"to render more effectual the police in counties and boroughs

in England and Wales." This Act rendered it obligatory on all counties and boroughs to appoint a force of paid police, and boroughs of less than 5,000 inhabitants were obliged to amalgamate their force with the county force. The Act provided for the appointment of Inspectors of Constabulary to report to the Secretary of State on the condition of crime and the police in the counties; and finally the Treasury was authorised to pay one-fourth (afterwards in 1874 increased to one-half) of the cost of all forces found to be efficient. Thus Fielding's experiment with an adequately paid force begun 100 years before resulted in the successful policing of the whole country.

Since the organization of the police on the modern system, one of the most important duties they have had to study has been the management of large bodies of the public. Their efficiency in this has been acquired after hard experience. Two things have been found necessary to control an excited crowd—a local force which knows the people if possible by name, and perfect command of temper, so that the police are never the first to give offence. There must also be intelligent direction on the part of the officers and mutual co-operation on the part of the men. The strength of the police ought to be, not that there is a military force behind, but that there is the force of the good will of the large majority of the public. Every lawful act of a policeman done in the execution of his duty ought to have the approval of every law-abiding citizen. This means that the police ought to have the respect and sympathy of the public, and to obtain this they must be a popular force. Without popularity the police force cannot be efficient: crimes are seldom committed in the presence of a police officer and therefore the officer must rely on information which he obtains from members of the public. If the public are hostile, it is not possible for the police to obtain from them evidence they do not wish to give, and inducements to tell the truth are of little avail if there is terrorism on the other side. There are many ways in which an unpopular force can be thwarted in the discharge of their daily duties; a man cannot do himself justice if every act is questioned and every obstacle set in his way to discourage and annoy. Unpopularity too has a great effect on recruitment: if the force has a bad name with the public, it is difficult to obtain the right class of recruit, either in the lower or higher offices. To obtain the proper recruit, there ought to be keen competition to fill vacancies.

It is possible to repress disturbances by an overwhelming force, but if the force is to be of reasonable dimensions, the public must recognize the police as their friends and protectors.

Popularity is largely a question of personnel. The London force has gained its present position entirely by the merits of individual officers and men. To ensure that the members of the police force have every opportunity to make themselves popular, care has been taken in London not to throw upon their shoulders duties which have no direct connection with the prevention of crimes. There is nothing which makes for unpopularity so much as incessant interference, and consequently duties not directly connected with the keeping of the peace, such as inspection of weights and measures, excise duties, duties under the Food and Drugs Acts, etc., are entrusted to special officers appointed under the different Acts. Such extra duties diminish the capacity of the officer for his ordinary duties and tend to bring him unnecessarily into collision with the public.

During the last half century much has been done for the prevention of crime and the reclaiming of the criminal. In 1847 the Juvenile Offenders Act was passed and was followed in 1854 by the Reformatory Schools Act, and in 1857 by the Certified Industrial School Act. In 1865 the Prisons Act provided for the segregation of different classes of criminals. In 1887 the case of those led into crime by accident rather than from criminal tendencies was dealt with in the Probation of First Offenders Act. In 1871 provision was made for the supervision of habitual criminals by the Prevention of Crimes Act, which provides for the grant of tickets of leave. Great strides have also been made in the classification and registration of criminals under Bertillon system, and in the identification under Galton's finger print system. The Convict Supervision office was established in 1880 to deal with these matters. In 1879 also the much-needed public prosecutor was appointed to direct prosecution, where, through lack of funds, local sympathy with the criminal

or an attempt to compound a felony, there was a danger of a miscarriage of justice.

The people of England have always had a horror of espionage and have viewed with critical eyes any system which employs spies. This feeling prevented the development of the Bow Street Runners into a Detective Department, and with the abolition of these men the police were without any detective department whatever. The price paid for this feeling of liberty on the part of the people was the dangerous latitude conceded to criminals. In 1842 Sir James Graham brought together those officers of the uniformed force who had shown special talent for unravelling crime—a small body of 18 experts whose duty it was to deal with cases the area of which was extended and which were of a specially difficult nature. This small body proved useful also in dealing with references from other countries and so developed something of an international character. In 1878 this small force was entirely reorganized by Sir Howard Vincent and the Convict Supervision Department was amalgamated. The responsibilities of a detective are very great: the nature of his work is such that it is difficult to supervise him without interfering with his efficiency, and the only thing which saves the Criminal Investigation Department from becoming a burden on society is the honesty of the individual agents. The City of London Police has a special Detective Department which specializes in commercial frauds.

From 1839 to 1888 the administration of the County Police Force was entrusted to the Justices in Quarter Sessions. The Local Government Act of 1888, which established County Councils, transferred the police administration to a "Standing Joint Committee," half of whom were Councillors and half Justices, and at the same time the police administration of all boroughs with less than 10,000 inhabitants, was transferred to the Standing Joint Committee: boroughs of over 10,000 were given the opportunity of contracting with the Standing Committee for the policing of the borough. There are at present in England and Wales 124 towns which have their own police force.

CHAPTER I.

Police Administration in India in Early Times.

We have very little knowledge of police administration in early Hindu times. In the Code of Manu we have a glimpse of what the author of the code considered ought to be the state of society; but we have no account of what the state of affairs actually was. I have taken the following account of the code from Elphinstone's *History of India**:—

The Government of the society described by Manu was vested in an absolute monarch. He was subject, indeed, to no legal control by human authority; and, although he is threatened with punishment in one place, and spoken of as subject to fine in another, yet no means are provided for enforcing those penalties, and neither the councils nor the military chiefs appear to have possessed any constitutional power but what they derived from his will. He must, however, have been subject to the laws promulgated in the name of divinity; and the influence of the Brahmins, both with him and with his people, would afford a strong support to the injunctions of the code.

The object of the institution of a king is declared to be, to restrain violence and to punish evil doers.

"Punishment wakes when guards are asleep."

"If a king were not to punish the guilty, the stronger would roast the weaker like fish on a spit."

"Ownership would remain with none; the lowest would overset the highest."

Internal administration is to be conducted by a chain of civil officers, consisting of lords of single townships or villages, lords of 10 towns, lords of 100, and lords of 1,000 towns. These are all to be appointed by the king, and each is to report all offences and disturbances to his immediate superiors.

These officers are all to be under the inspection of superintendents of high rank and great authority. There is to be one in every large town or city; and on them it depends to check the abuses to which the officers of districts (it is said) are naturally prone.

The country is also to be partitioned into military divisions, in each of which is to be a body of troops, commanded by an approved officer, whose territorial limits did not necessarily correspond with those of any of the civil magistrates. Justice is to be administered by the king in person, assisted by Brahmins and other counsellors; or that function may be deputed to one Brahmin, aided by three assessors of the same class. There is no exception made for the conduct of criminal trials; but it may be gathered from the general tone of the laws that the king is expected to take a more active share in this department than in the investigation of civil causes.

From the silence of the code regarding local administration, it may perhaps be inferred that the king's representative fills his place in the courts of justice, at towns remote from the royal residence.

A king is reckoned among the worst of criminals who receives his revenue from his subjects without affording them due protection in return.

The criminal law is very rude. It is not, however, sanguinary, unless when influenced by superstition or by the prejudice of caste; and if punishments are, in some cases, too severe, in others they are far too lenient. Mutilation (chiefly of the hand) is among the punishments, as in all Asiatic codes. Burning alive is one of the inflictions on offenders against the sacerdotal order; but it is an honourable distinction from ancient codes, that torture, is never employed either against witnesses or criminals. But the laxness, confusion, and barbarism which pervade this branch of the law seem to prove, it was drawn from the practice of very early times. It is by no means improbable that the bloody laws in favour of religion and of the priesthood, though inserted in the code by the Brahmin author as the ideal perfection of a Hindu criminal law, may never have been acted on by any Kshatriya king.

Theft is punished, if small, with fine; if of greater amount, with cutting off the hand; but if the thief be taken with the stolen goods upon him, it is capital. Receivers of stolen goods, and persons who harbour thieves, are liable to the same punishment as the thief. It is remarkable that, in case of small theft, the fine of a Brahmin offender is at least eight times as great as that of a Sudra, and the scale varies in a similar manner and proportion between all the classes. A king committing an offence is to pay a thousand times as great a fine as would be exacted from an ordinary person. Robbery seems to incur amputation of the limb principally employed. If accompanied with violence it is capital; and all who shelter robbers, or supply them with food or implements, are to be punished with death.

False evidence is to be punished with banishment accompanied by fine, except in case of a Brahmin, when it is banishment alone. Banishment is likewise the sentence pronounced upon men who do not assist in repelling an attempt to plunder a town, to break down an embankment, or to commit robbery on the highway. Public guards, not resisting or apprehending thieves, are to be punished like the thieves. Gamesters and keepers of gaming-houses are liable to corporal punishment.

* *History of India* by the Hon'ble Mountstuart Elphinstone Book I, pages 21, 22 and 23.

Abusive language is still more distinguished for the inequality of punishments among the castes, but even in this branch of the law are traces of a civilized spirit. Men reproaching their neighbours with lameness, blindness, or any other natural infirmity, are liable to a small fine, even if they speak the truth. Assaults, if among equals, are punished by a fine of 100 panas for blood drawn, a large sum for a wound, and banishment for breaking a bone. The prodigious inequality into which the penalty runs between men of different classes has already been noticed.

Persons defiling the highway are subject to a small fine, besides being obliged to remove the nuisance.

The rules of police are harsh and arbitrary. Besides maintaining patrols and fixed guards, open and secret, the king is to have many spies, who are to mix with the thieves and lead them into situations where they may be entrapped. When fair means fail, the prince is to seize them and put them to death, with their relations.

Gamesters, public dancers, and singers, revilers of scripture, open heretics, men who perform not the duties of their several classes, and sellers of spirituous liquors, are to be instantly banished from the town.

The Edicts of Asoka* give us an interesting glimpse of Hindu polity about 250 B.C.

Asoka appointed special officers, whose title (dharmamahamatra) may be rendered as "Censors of the Law of Piety," to supervise the execution of his precepts. These officers were instructed to devote themselves to the establishment and furtherance of piety, not only among the king's faithful lieges, but among the semi-independent border tribes. They were in general terms directed to use their best endeavours to secure the welfare and happiness of all classes of the population and were specially ordered to watch over the interests of the poor and aged, to prevent the infliction of wrongful imprisonment or corporal punishment and to grant remissions of sentence in cases where the criminal was advanced in years, burdened with a large family, or overwhelmed by sudden calamity. The censors were further enjoined to superintend, both at the capital and in the provincial towns, the female establishment of the king's brothers and sisters, and of all other members of the royal family; and also to exercise a general control over all persons devoted to pious works and almsgiving.

All these special officers were supplementary to the regular magistracy. The extreme vagueness in the definition of the duties entrusted to them must have caused a considerable amount of friction between them and the ordinary officials.

In a passage of the "True Conquest Edict," Asoka declares his unwillingness to proceed to extremities against the wild jungle-folk who at many points dwell on the borders of his settled provinces. Such folk abounded on the borders of Kalinga, as they do to this day, and a very interesting edict, dating from the fourteenth year, specially addressed to the governor and magistrates of that province, and published in it only, gives particular instructions concerning the principles on which the wild tribes should be treated. The king reiterates his declaration that all men, even wild jungle-tribes are his children, and insists that his officers must give effect to his views. They are instructed that it is His Majesty's will and immutable resolve that every effort must be made to inspire the border tribes with confidence, and to persuade them that the king desires them to receive at his hands happiness and not sorrow. If they will but trust in the royal sincerity, they may relieve their minds of all disquietude and abide in peace. The officials are further enjoined to persuade the tribes that the best way to secure the sovereign's goodwill, and to assure their own welfare both in this world and in the next, is to faithfully practise the Law of Piety which his orders commend to them.

Asoka attached the greatest importance to the utmost possible promptitude in the administration of justice, and to the readiness of the sovereign to hear complaints at all times and at all places. His views would still meet with general approval from the natives of India, who prize very highly readiness of access to their rulers, and set no value whatever upon regularity of procedure. Asoka announced to his people that he was ready at any place, and at any hour of the day or night, to receive and redress complaints. No more popular announcement could be made by an Indian sovereign, although to the Western mind it seems unpractical and unbusinesslike.

The next glimpse is nearly a thousand years later. In the time of the Emperor Harsha (700 A.D.) violent crime was rare, but the roads and river routes were evidently less safe than in Fa-hien's time, as Hiuen Tsang was stopped and robbed by brigands more than once. Imprisonment was now the ordinary penalty, and it was of the cruel Tibetan type: the prisoners, we are told, "are simply left to live or die, and are not counted among men!" The other punishments were more sanguinary than in the Gupta period: mutilation of the nose, ears, hands, or feet being inflicted as the penalty of serious offences, and even for failure in filial piety; but this penalty was sometimes commuted for banishment. Minor offences were visited with fines. Ordeals by water, fire, weight or poison were much esteemed as efficient instruments for ascertainment of truth; and are described with approval by the Chinese pilgrim.†

* *Rulers of India: Asoka*, by V. A. Smith, pages 23-24

† *Early History of India*, by V. A. Smith, page 287.

CHAPTER II.

Police Administration in Muhammadan Times.

We have little knowledge of the internal affairs of the Muhammadan Empire in India until the time of Akbar. The *Ain-i-Akbari* gives the following account of the duties of the Fouzdar, the Emperor's chief representative in the provinces, of the Mir A'dl and the Kazi, his judicial representatives, and of the Kotwal, the chief police officer of the larger towns :—

THE FOUZDAR.

In the same way that His Majesty, for the prosperity of the empire, has appointed a Commander of the forces for each province, so by his rectitude of judgment and wise statesmanship he apports several pargannahs to the care of one of his trusty, just and disinterested servants, appreciative of what is equitable, and faithful to his engagements; and him they style by the above name. As a subordinate and assistant he holds the first place. Should a cultivator or a collector of the crown lands or an assignee of Government estates prove rebellious, he should induce him to submit by fair words, and if this fail, he shall take the written evidence of the principal officers and proceed to chastise him. He should pitch his camp in the neighbourhood of the body of rebels and at every opportunity inflict loss upon their persons and property, but not risk at once a general engagement. If the affair can be concluded with the infantry he should not employ cavalry. He should not be rash in attacking a fort but encamp beyond bowshot and the reach of its guns and musketry, and obstruct the roads of communication. He should be vigilant against night attacks and devise a place of retreat, and be constant in patrolling. When he has captured the rebel camp, he must observe equity in the division of the spoil and reserve a fifth for the royal exchequer. If a balance of revenue be due from the village, this should be first taken into account. He should constantly inspect the horses and accoutrements of the troops. If a trooper be without a horse, his comrades should be assessed to provide for him, and if a horse be killed in action, it should be made good at the expense of the State. He must duly furnish a roll of the troops present and absent, to the royal court and ever bear in mind the duty of carrying out its sacred ordinances.

THE MIR A'DL AND THE KAZI.

Although the supreme authority and the redress of grievances rests with sovereign monarchs, yet the capacity of a single person is inadequate to the superintendence of the entire administration. It is therefore necessary that he should appoint one of his discreet and unbiassed servants as his judiciary delegate. This person must not be content with witnesses and oaths, but hold diligent investigation of the first importance, for the inquirer is uninformed and the two litigants are cognisant of the facts. Without full inquiry, and just insight, it is difficult to acquire requisite certitude. From the excessive depravity of human nature and its covetousness, no dependence can be placed on a witness or his oath. By impartiality and knowledge of character, he should distinguish the oppressed from the oppressor and boldly and equitably take action on his conclusions. He must begin with a thorough interrogation and learn the circumstances of the case; and should keep in view what is fitting in each particular and take the question in detail, and in this manner set down separately the evidence of each witness. When he has accomplished his task with intelligence, deliberation and perspicacity, he should, for a time, turn to other business and keep his counsel from others. He should then take up the case and reinvestigate and inquire into it anew, and with discrimination and singleness of view search it to its core. If capacity and vigour are not to be found united, he should appoint two persons, one to investigate, whom they call a Kazi; the other, the Mir A'dl, to carry out his finding.

THE KOTWAL.

The appropriate person for this office should be vigorous, experienced, active, deliberate, patient, astute and humane. Through his watchfulness and night patrolling the citizens should enjoy the repose of security, and the evil-disposed lie in the slough of non-existence. He should keep a register of houses, and frequented roads, and engage the citizens in a pledge of reciprocal assistance, and bind them to a common participation of weal and woe. He should form a quarter by the union of a certain number of

habitations, and name one of his intelligent subordinates for its superintendence and receive a daily report under his seal of those who enter or leave it, and of whatever events therein occur. And he should appoint as a spy one among the obscure residents with whom the other should have no acquaintance, and keeping their reports in writing, employ a heedful scrutiny. He should establish a separate *serai* and cause unknown arrivals to alight therein, and by the aid of diverse detectives take account of them. He should minutely observe the income and expenditure of the various classes of men, and by a refined address make his vigilance reflect honour on his administration. Of every guild of artificers, he should name one as guild-master, and another as broker, by whose intelligence the business of purchase and sale should be conducted. From these also he should require frequent reports. He should see to the open thoroughfare of the streets and erect barriers at the entrances and secure freedom from defilement. When night is a little advanced, he should prohibit people from entering or leaving the city. He should set the idle to some handicraft. He should remove former grievances and forbid anyone from forcibly entering the house of another. He should discover thieves and the goods they have stolen or be responsible for the loss. He should so direct that no one shall demand a tax or cess save on arms, elephants, horses, cattle, camels, sheep, goats and merchandise. In every Subah a slight impost shall be levied at an appointed place. Old coins should be given in to be melted down or consigned to the treasury as bullion. He should suffer no alteration of value in the gold and silver coin of the realm, and its diminution by wear in circulation, he shall recover to the amount of the deficiency. He should use his discretion in the reduction of prices and not allow purchases to be made outside the city. The rice shall not take beyond what is necessary for their consumption. He shall examine the weights and make the *ser* not more or less than thirty *dams*. In the *gaz* hereinafter to be mentioned, he should permit neither decrease or increase and restrain the people from the making, the dispensing, the buying or selling of wine, but refrain from invading the privacy of domestic life. Of the property of a deceased or missing person who may have no heir, he shall take an inventory and keep it in his care. He should reserve separate ferries and wells for men and women. He should appoint persons of respectable character to supply the public watercourses, and prohibit women from riding on horseback. He should direct that no ox or buffalo or horse or camel be slaughtered, and forbid the restriction of personal liberty and the selling of slaves. He should not suffer a woman to be burnt against her inclination, nor a criminal deserving of death to be impaled, nor anyone to be circumcised under the age of twelve. Above this limit of age the permission may be accorded. Religious enthusiasts, calendars and dishonest tradesmen he should expel or deter from their course of conduct, but he should be careful in this matter not to molest a God-fearing recluse, or persecute bare-footed wandering anchorites. He should allot separate quarters to butchers, hunters of animals, washers of the dead and sweepers, and restrain men from associating with such stony-hearted gloomy-dispositioned creatures. He shall amputate the hand of any who is the pot-companion of an executioner and the finger of such as converse with his family. He should locate the cemetery outside of, and to the west of the city. He should prohibit his adherents from wearing sombre garments in mourning and induce them to wear red. From the first till the 19th of the month of Farwardin, during the whole of the month of Aban, the days of the sun's passage from one sign of the zodiac to another, namely, the first of every solar month, the 16th of the same, the Ilahi festivals, the days of the eclipse of the sun and moon, and on the first day of the week, he shall prohibit men from slaughtering animals, but hold it lawful as a necessity for feeding animals used in hunting and for the sick. He shall remove the place of execution to without the city, and see that the Ilahi festival is observed. He shall have lamps lit on the night of the Nauroz (New Year's Day) and on the night of the 19th of Farwardin. On the eve of a festival, as well as on the festival itself, he shall cause a kettle-drum to be sounded at each watch. In the Persian and Hindu almanacs he shall cause the Ilahi era to be adopted and the beginning of the month according to the Hindu nomenclature he shall place Shuklapachch.

In Elphinstone's *History of India** the following account is given of the internal state of the Muhammadan Empire in India:—

The jurisdiction of the king's officers was not so well defined. We may presume that their interference in civil cases would be rightly exercised in causes between servants of the Government, and where there were parties of such power as to be beyond the reach of the cazi; they might reasonably be expected also to supply the defects of the Mahometan law in the case of Hindus; and the revenue officers would be natural umpires in many disputes about land. In criminal cases, rebels, conspirators, and highway robbers, as well as persons embezzling public money, or otherwise offending directly against the State, fell under the lawful jurisdiction of the same functionaries. In general, however, the governors and their officers were not scrupulous in confining themselves to those classes of trials. They received all complaints that were made to them, giving summary decisions in many cases, and referring those that turned on points of Mahometan law to the cazi, to whom also all cases that did not excite interest or promise profit would be left. The power of the cazis varied in different reigns. At some times we see the office, even in provincial courts, filled by men of celebrity, and at those

times, we must conclude, their authority was respected, as appeared likewise from the occasional resistance of the cazis to the governors; at others it probably sank nearly to its present level, when the duty is reduced to performing marriages, registering and authenticating deeds, and similar unimportant functions.

Under him (the governor) were the revenue functionaries and also the military commanders of districts (fouzders), whose authority extended over the local soldiery or militia and over all military establishments and lands assigned to military purposes as well as over the regular troops within their jurisdiction; and whose duty it was to suppress all disorders that required force within the same limits.

Justice was administered by a court composed of an officer named mir-i-adl (lord justice) and a cazi. The latter conducted the trial and stated the law; the other passed judgment and seems to have been the superior authority; the distinction probably arising from the modification introduced by the will of the prince and the customs of the country into the strict Mahometan law, of which the cazi was the organ.

The police of considerable towns was under an officer called the cotwal; in smaller places it was under the revenue officer; and in villages, of course, under the internal authorities.

[The instructions] to the cotwal keep up the prying and meddling character of the police under a despotism; in the midst of some very sensible directions, there is an order that any one who drinks out of the cup of the common executioner shall lose his hand; a law worthy of Menu, and the more surprising as the spirit of all the rules for administering justice is liberal and humane. A letter of instructions to the governor of Guzerat, preserved in a separate history of that province, restricts his punishments to putting in irons, whipping, and death; enjoining him to be sparing in capital punishments, and, unless in cases of dangerous sedition, to inflict none until he has sent the proceedings to court and received the Emperor's confirmation. Capital punishment is not to be accompanied with mutilation or other cruelty.

*The anarchy which reigned during the decline of the Moghul Empire seems to have destroyed any system of police which ever existed. Where zamindars were strong enough they maintained bands of retainers, but these were more often employed in collecting the zamindari revenue for their masters than in maintaining the peace of the estate; and in protecting the life and property of the zamindars rather than in protecting the life and property of the people. Much interesting information could be collected concerning the state of the country from the diaries of the various travellers and the records we possess of the early merchants.

In the country there was nothing of the nature of the "King's Peace." In the towns where there was a King's officer or Fouzdar and at the seat of the Provincial Government at Dacca and later at Murshidabad, the maintenance of the peace and the protection of life and property were secured by the Kotwal, whose administration of the police, though harsh, appears to have been efficient so far as peace and order within the towns were concerned.

CHAPTER III.

Police Administration, 1690 to 1772.

A short account of the rise to political power of the small Company of British merchants in Bengal and the state of the country at the time is necessary to an understanding of the development of police administration.

In 1690 (two years before his death) Charnock ordered a warehouse to be built on the banks of the Hooghly on a spot within the boundaries of the present city of Calcutta and not far from the site of his tomb. In 1698 the merchants purchased for Rs. 1,195 the talukdari rights in the lands round the warehouse, comprising the villages of Calcutta, Sutanati and Gobindpur. The chief merchant in the name of the Company stood in the place of the zamindar, and the other Europeans, whose number was very small and who lived within the compound of the warehouse, were in the position of the members of the zamindar's family. The chief merchant had the usual responsibilities and powers exercised by zamindars at that time in Bengal in matters of police and criminal justice, that is to say, he was responsible for the public peace within the taluk and had practically unlimited powers of criminal jurisdiction over the people. The fact that people flocked to these villages to trade, and subsequently to settle there, seems to show that these powers were wisely administered.

The servants of the Company did not confine themselves to the interests of their masters. they engaged in trade on their own account and disputes necessarily arose not only amongst themselves but also between them and the Indian traders. A desire arose for a regularly constituted court of law empowered to settle such disputes. Accordingly about 1726 a Mayor's Court, consisting of a Mayor and nine Aldermen, was established. This body held Courts of Quarter Sessions for the trial of criminal cases in which Europeans were concerned. But it must be remembered that the settlers were really the subjects of the Muhammadan Viceroy, then living at Dacca, and that this administration of justice between Europeans was permitted to continue by the Viceroy only because he thought it would not be politic to interfere with it. The chief merchant as zamindar continued to administer justice over the Indian population after the manner of the Indian zamindars. He held a Court of Cutcherry and sentenced offenders as he pleased and carried out at once the punishments he awarded. The police of the town of Calcutta were organised on the Muhammadan model under a Kotwal. In 1750 the Company of Europeans numbered about 200 or 300, living either within the warehouse compound or in houses built on the land immediately adjoining, of which there were about 75. The total area of the settlement was about 100 acres. In the three villages contiguous to the factory there were about 50,000 separate huts or houses.

The following extracts from Holwell's letter of the 28th February 1757 throw some light on the police administration outside Calcutta at this time. The people of the Nawab were taking Holwell in a boat to Murshidabad as a prisoner: on the way a local zamindar refused assistance to the party—

Our Jamadar [Holwell writes] ordered his people to arms, and the resolution was to take the zemindar and carry him bound a prisoner to Murshidabad. Accordingly they landed with their firearms, swords, targeta; when it occurred to one mischievous mortal amongst them, that the taking me with them, would be a proof of their commission and the high offence the zemindar had committed.

When we came near the cutcherry of the district the zemindar with his pykes was drawn up ready to receive us; but as soon as they presented me to him as a prisoner of State, estimated and valued to them at four lakhs of rupees, he confessed himself sensible of his mistake, and made no further show of resistance. The Jamadar seized him and gave orders to have him bound and sent to the boat; but on his making a further submission, and promising to get boats from Santipore to send after us, and agreeing to pay them for the trouble he had caused, he was released and matters accommodated.

This was the state of affairs at the time of the sack of Calcutta in 1756; and the subsequent defeat of the Nawab at Plassey in 1757. By the treaty concluded with the new Nawab, Mir Jaffir, the merchants were given the three villages of which they held talukdari right, free of all payment, and to this area was added a strip 600 yards outside the Maharatta Ditch (Lower Circular Road); in addition the merchants were permitted to take up at an annual revenue of Rs. 2,22,958 the zamindari rights of the 24-Parganas which lay around Calcutta as far as Kulpi in the south. Over this area the merchants had the same rights of criminal jurisdiction and police administration as they had in the three original villages. The merchants also lent military aid to the Nawab against his enemies on payment, and in 1760 Nawab Mir Kasim, who had been set up in place of Mir Jaffir, being anxious to avoid all causes of friction with the merchants over money matters, agreed to assign to them the revenues of Burdwan, Midnapore and Chittagong to meet all army and other charges incurred in his interests.

The position of the Company of merchants had become anomalous. It can be best understood by regarding the Company as a trader who through successful trading became zamindar of three little villages: and thereafter through influence acquired over the Nawab of Bengal, became the Dewan of the Province and Prime Minister of the Nawab. Similar examples of successful traders are not infrequent in the history of Muhammadan rule in India.

In 1765, before the merchants became the Dewan, their position in Bengal was therefore as follows:—

- (1) they were the holders of a small revenue-free grant, including the land round Calcutta;
- (2) they were the zamindars of the 24-Parganas, in the neighbourhood of Calcutta;
- (3) they were responsible for the military defence of Bengal, Bihar and Orissa, and for this purpose the Viceroy (Nawab) had ordered his Dewan to pay to them the revenues of the three districts, Midnapore, Burdwan and Chittagong; and
- (4) lastly, they enjoyed special trading privileges, including exemption from duties.

In the ten years between 1757 and 1767 (when Clive's second administration came to an end) the successful Dewan became all-powerful in the Councils of the Nawab; in other words, the Company of merchants became *de facto* rulers of Bengal, just as the Vizier became *de facto* ruler at Delhi, or the Peshwa at Poona, but the Company always tried to keep up the fiction that they were servants, not masters. In one particular, however, they wished to be as far as possible on sure ground—they wished to secure control of the finances and thus to be able to use the revenues for the administration of the Province in accordance with their own ideas of efficiency—and at Patna in 1765 Clive obtained from the fugitive Moghal Emperor on behalf of the Company the position of Dewan at the Court of the Nawab. This meant that the merchants were henceforth responsible for financial administration.

In 1760, when the merchants received the revenues of Burdwan, Midnapore and Chittagong, no change was made in the Indian administration of these districts. The Company's servants at Murshidabad merely took over from the zamindars or farmers of the revenue the net collections. They did not interfere with the collectors or with the administration of justice by the zamindars and farmers. In 1763, when Clive in the name of the Company accepted the post of the Emperor's Dewan for the three provinces of Bengal, Bihar and Orissa, the Company of merchants engaged to pay to the Emperor a yearly rent for the provinces of 26 lakhs. The amount to be paid to the Nawab and the use to be made of the surplus revenue was left to the discretion of the merchants. Clive agreed to pay the Nawab (who is henceforth known as the Nawab Nazim) a yearly stipend of 53 lakhs, 18 for his personal expenditure and the balance for the maintenance of horses, sepoy, peons, etc. The Nawab remained in form responsible for the defence of the three provinces, the maintenance of the public peace, the administration of justice and enforcing obedience to the law. The merchants in form merely

took the place of the Emperor's Dewan : they received the yearly revenues of the three provinces and were responsible for all disbursements. But as Clive had taken away all military power from the Nawab Nazim, the outward form adopted was only a veil to conceal the real transfer of power.

The Director's despatch, dated the 17th May 1766, intimated their view of the duties of the merchants as Dewan. They entirely approved of this preservation of the ancient form of government and this upholding of the dignity of the Nawab, and they accepted the Dewani as meaning merely the superintendence of the collection of the revenues and the receiving of the money from the Nawab's treasury. They expressed the opinion that this was a very simple business, as the merchants need have nothing to do with the settlements of the revenue : that they had merely to receive the amount of the revenue when it was brought to them once a year at Murshidabad. This the Directors conceived to be the whole office of the Dewani. "The administration of justice, the appointment of officers, zamindaries,—in short, whatever comes under the denomination of civil administration,—we understand is to remain in the hands of the Nawab and his ministers." Clive before he left in 1767 laid down very clearly that the distinction between the Company and the Nawab must be carefully maintained : "every measure wherein the country government shall even seem to be concerned must be carried on in the name of the Nawab and by his authority. In short, I would have all the Company's servants, the supervisors excepted, confined entirely to commercial matters only, upon the plan laid down in the time of Alivurdy Khan."

The first man who realized the responsibilities which the merchants had taken upon themselves by appropriating the revenues of the country was Mr. Verelst. The merchants had become morally responsible for the rightful government of the people in every branch of the administration. Verelst was not a soldier. He was a civilian who knew the people well and he had gained great credit as a supervisor in each of the three districts ceded in 1760. His colleagues, however, were merchants. No doubt they made municipal laws and administered justice within the little zamindari round Calcutta, but their main interest was the making of good bargains and they took little heed of what was going on outside the Company's compound unless it affected trade.

Mohamed Reza Khan, who had been appointed Deputy Nawab by Governor Spencer a few months before the arrival of Clive, supervised the whole of the district administration and he exercised the real and undivided control over the three provinces. Verelst induced the Directors to sanction the system inaugurated during the second administration of Lord Clive, under which English supervisors were appointed in every district whose duty it was to see justice done in every branch of the administration. The Muhammadan administration in Bengal at this time was as bad as it could well have been. It was an administration by foreigners, mostly adventurers from Persia, ignorant of the ways of the people or of the first principles of government, without sympathies for Hindus, men who had been brought up amidst tyranny, corruption and anarchy. There was no one to control the collection of the revenue except Mohamed Reza Khan. An English resident had been appointed at Murshidabad, but he had no power to interfere in the general administration. The following extract from Verelst's memorandum, in which he puts forward his proposals for the appointment of supervisors, throws light on the state of affairs in the districts :—

Whilst the native government retained its superiority, its tribunals were accessible, and though venality presided at them, yet some show of justice was maintained, and, at times, redress might be procured. The native government is now fallen in the eye of the inhabitants, yet such restrictions have hitherto cramped our proceedings, as to prevent us from taking that intimate part which our present character and dignity require. The dependents of this nominal government have been the only instruments which we could employ either to repress the enormities of our own agents, or to obtain the good opinion of the country people. Their authority is, in general, overawed, their principles too bad to answer the former purpose, and their establishment and conduct too temporary and too weak for the latter, so that the English name has been only all-powerful to do mischief; and a mortifying spectacle of fraud and oppression on the one hand, and impotency on the other, has been exhibited to us, without the power of interposing.

Verelst pointed out that—

As the people gave us the labour of their hands did not in return we owe them our protection; common prudence as well as the laws of society require that those obligations should be reciprocal or the tie must soon be dissolved; for the firmest security of every government is the affections of the people and for obtaining them there never, perhaps, presented a more favourable opportunity or more noble field than what the English possess in Bengal.

Without departing from these maxims, we shall have sufficient opportunities to answer all our views; our power will not be less efficacious in being exercised with prudence. The Supra-visorship will afford you a set of servants capable of succeeding, in their turn, to the first offices; that station will introduce them to a perfect knowledge of the laws and customs of the country; they will form a judgment upon the spot of the dispositions of the people; they will see with their own eyes the prevalent abuses of office, the villainy of agents, and, in short, the true spring of the misery or happiness of the country. This much may be advanced with confidence, that if this measure meets with the necessary support and encouragement, there cannot fail being a regular succession of able and vigorous administrators. The service, at present, affords many young men of promising parts and abilities. As the Supra-visorships may be called a nursery for them in respect to the government of the country, so in like manner their experience in commercial matters, before they reach Council, must bring them acquainted with our commercial interest; and as these are the grand foundation and support of our prosperity, they must be deemed the essential part of their education.

It was accordingly agreed on 16th August 1769 that “in every province or district a gentleman in the service to be appointed, with or without assistance, in proportion to the extent of the district, whose office or department is to be subordinate to the resident of the Durbar, *i.e.*, at Murshidabad.” The following extract from Verelst’s instructions to the supervisors gives an account of the administration of justice at that time :—

It is difficult to determine whether the original customs or the degenerate manners of the Mussulmans have most contributed to confound the principles of right and wrong in these provinces. Certain it is, that almost every decision of theirs is a corrupt bargain with the highest bidder. The numerous offences which are compromised by fines have left a great latitude for unjust determinations. Trifling offenders, and even many condemned on fictitious accusations, are frequently loaded with heavy demands, and capital criminals are as often absolved by the venal judge. Your conduct in all capital offences should be to enforce justice where the law demands it, checking every composition by fine or mulct; and where any disputes arise in matters of property, you should recommend the method of arbitration to any other; and inculcate strongly in the minds of the people that we are not desirous to augment our revenue by such impositions, but to acquire their confidence by the equity and impartiality of our proceedings, and by our tenderness for their happiness. The arbitrators should be men chosen by the parties themselves, and of known integrity, and whose circumstances may suppose them exempt from venality, and promise best to insure their rectitude. In capital crimes, the sentence should, before execution, be referred to me, and by me to the ministers of the Nizamut, that they may ultimately approve or mitigate it, according to the peculiarity of the case. You are further to observe that the want of regular registers of all causes and determinations have encouraged the natural propensity of the native judge to bribery and fraud by making him easy with respect of any future prosecution on a re-hearing of the cases which have been thus partially determined. Whereas, whilst a reference to records is always open, he must live in perpetual fear of detection. One of these registers should be lodged in the principal cutcherry of the province, and an authenticated copy transmitted to Murshidabad. As to suits on account of revenues, these will, we are flattered, be much obviated in future by the happy consequences of our possessing a real, local and undisguised knowledge of the country; which we promise ourselves from the investigations above mentioned and from your diligence and exactness in the performance of the several duties.

The instances where venal, ignorant, and rapacious judges avail themselves of a crude and mercenary system of laws, of the prevalence of liciousness and the force of reigning habits and customs, have been already mentioned. I can only repeat, that it is your part to endeavour to reform all these corruptions which have encroached on the primitive rights of both the Mahommedans and Hindoos; particularly by abolishing the arbitrary imposition of fines, and recommending all in your power the more equitable method of arbitration.

The officers of justice and Kuzis, who are established by the Mahommedan law, as also the Brahmins who administer justice among the Hindoos, in every village, town and quarter, should all be summoned to appear, produce their Sunnuds, or authority for acting, and register them. Records, of whatever cases are heard and determined, are to be sent to and deposited in the Sudder Cutcherry of the province, and monthly return thereof forwarded to Murshidabad.

The register of Sunnuds is intended to deter any from exercising a judicial because lucrative function, who may not be legally appointed by Government, if a Mahomedan, or fairly elected by his caste, if a Hindoo. And the depositing of all cases and determinations, added to the other regulation, will figure to the several officers a vigorous and observant power, watching all their actions, and, in case of abuses, direct you at once to the culpable.

The measure of appointing supervisors was a move in the right direction, but too much was expected from them. An Englishman placed alone in a large district surrounded by influences of the worst character was helpless to contend against the general corruption and was often tempted to share in the spoil.

Verelst was Governor from 1767 to 1769, but it was not until the 23th of August 1771 that the Directors resolved to stand forth as Dewan, and by the agency of the Company's servants to take upon themselves the entire care and management of the revenues and so to make a serious attempt to fulfil their responsibilities to the people.

CHAPTER IV.

Police Administration under Warren Hastings.

The following judicial authorities existed in name at least at Murshidabad (the Nawab's capital), when the Company became Dewan in 1765 :—

- (1) The court of the Nawab Nazim, who, as supreme Magistrate, presided personally at the trial of capital offenders.
- (2) The court of the Dewan, who decided cases relating to real estate or property or land.
- (3) The court of the Deputy Nazim, the supreme criminal court.
- (4) The court of the Deputy Dewan, the supreme civil court.
- (5) The court of the Fouzdar, the officer of police and judge of all crimes not capital.
- (6) The court of the Kazi, who dealt with claims of inheritance or succession.
- (7) The court of the Muktasib, who dealt with drunkenness and excise. The Mufti expounded the law for the Kazi.
- (8) The Kanungoes were registrars of land.
- (9) The Kotwal was peace officer of the night and as such subordinate to the Fouzdar.

* There was some attempt to administer the criminal and civil justice in the vicinity of the capital at Murshidabad, but there was no attempt on the part of the Nawab to establish courts in the mufassal. The zamindars, farmers and other revenue officers merely assumed that power for which no provision was made and they exercised it not with a view to do justice but in their own interests.

The people of the districts desired little protection from the courts at Murshidabad. In fact these courts were too often the means of the most grievous oppression under the cloak of their judicial character. •

The first attempt to recreate civil and criminal courts in the districts was made by the merchants seven years after the grant of the Dewani, that is to say, in 1772. Verelst's Supervisors appointed in 1769, who were transformed into Collectors in 1772, had paved the way. In 1772 (regulation of August 15th) two sets of courts were established in the mufassal for each of the 14 districts into which the province was divided—

- (1) the Dewani or Civil Court; and
- (2) the Fouzdari or Criminal Court.

The Collector, as the representative of the Dewan, presided over the Dewani Adalat; he dealt with all civil disputes, including rent suits. He had a general superintendence over the Fouzdari Adalat or Criminal Court, a duty which probably arose directly from the instructions to the Supervisors, • but the Collector was not himself a member of the court, which consisted of the Kazi, the Mufti and two Maulvis. There were two appellate courts—the Sudder Dewani Adalat or Chief Civil Court situated at Calcutta, consisting of the President and Members of Council assisted by the Indian Officer of the Treasury; secondly, the Nizamat Adalat under the general control of the President (Mr. Hastings) and Council. But as in the district court, the President was not a member. The court consisted of an officer of justice (the Daroga-i-Adalat), the head Kazi and head Mufti and three Maulvis. In 1774 the Collectors were recalled and Provincial Councils of revenue were established at Calcutta, Burdwan, Dacca, Murshidabad, Dinajpur and Patna, but the district courts remained. The Dewani Adalat was entrusted to an Amil, who was given some judicial powers; but in all cases there was a right of appeal to the new Provincial Council in whom also the administration of civil justice was vested

The Fauzdari or Criminal Courts were unaffected by the establishment of Provincial Councils, but with the removal of the Collector, the superintendence ceased. The courts were placed under the general superintendence of the Naib Nazim and they were subject to the control of the Sudder Fouzdari Court—termed the Nizamut Adalat. This court, as has been stated above, was under the general control of the President and Council. The President at this time was Warren Hastings, who took a keen interest in the administration of justice and in the maintenance of the public peace throughout the districts.

The following extract from the Proceedings of the Governor in Council, dated the 19th April 1774, gives the views of Warren Hastings on police administration. It is specially interesting as the first attempt on the part of the servants of the Company to introduce a police organization of any kind:—

PLAN FOR THE ESTABLISHMENT OF FOUZDARS PROPOSED BY THE PRESIDENT.

The Board having thought proper to commit the superintendence of the courts instituted for the trial of offences against the public peace to my especial care, I find myself compelled to address them on some points relating to this duty in which I find myself unable to discharge it without their assistance. Although the most beneficial consequences may be expected from the establishment of these courts, from the regular process with which they are conducted, and the equal distribution of justice which is thus provided for in every part of this extensive and populous country, yet I cannot avoid expressing my apprehensions that these benefits are reserved to a period of more established order than the present administration has yet had time to effect, and that the public tranquillity will not be secured without the exertion of other and extraordinary means.

At this time I have repeated complaints from all parts of this province of the multitudes of decoits who have infested it for some years past, and have been guilty of the most daring and alarming excesses. I know not whether the knowledge of these evils has been officially communicated to the Members of the Board. To me it has only come through the channels of private information, as I do not recollect to have heard the slightest intimation of them from the zamindars, farmers or other officers of the revenue; which may appear extraordinary, but that I am afraid, that the zamindars themselves too frequently afford them protection, and the reats, who are the principal sufferers by these ravages, dare not complain, it being an established maxim with the decoits to punish with death every information given against them.

The remedies for this evil can be best discovered from the knowledge of the means which have contributed to produce it. These may be reduced to the following heads:—

1st.—The abolition of the Fouzdari jurisdiction and of the tennadarries dependant on it. This institution provided for the security of the public peace, and served as the official means of conveying regular intelligence of every disorder or casualty which happened in any part of the province. By its removal the confidence of the decoits is increased, nor has any other means been substituted for giving intelligence to the Government of such events as relate to the peace of the country.

2nd.—The resumption of the Chaukeraun Zemeen, or lands allotted to the tannadars and pykes for their service in guarding the villages and larger districts against robbers. Many of the people thus deprived of their livelihood have themselves turned decoits. Such of the monthly servants allowed by our late Regulations, as receive their allotted pay, are wholly employed for the service of the farmers in the business of their collections; but the greater part, I am assured, have their wages wholly withheld from them; for that none of them are of any utility to the community. This may perhaps account for the silence of the farmers with respect to the disorders committed in their districts.

3rd.—*The farming system.*—Useful as this is to the general welfare of the State, and of the people, it is one of the principal sources of the disorderly state of the mofussel, by the removal of that claim, which the public by immemorial usage before possessed to the restitution of all damages and losses sustained by robbers, on the zemindars of the country. These having no longer the same authority cannot be held accountable, as they formerly were, for the effects of it, although the right of Government has never been formally renounced. The farmers, who stand in their places, ought indeed to be made answerable for the disorders proceeding from their neglect; but whatever they were compelled to pay on this account, would be brought into their balances at the end of the year, and would thus fall ultimately upon the Government itself.

4th.—I am sorry to enumerate among the causes of the increase of robbers, the regularity and precision which have been introduced into our new courts of justice. The dread which the common people entertain of the decoits, and the difficulty which even without such an impression must attend the conviction of an offender of this kind, however notorious, before a Mahomedan court, which requires two positive evidences in every capital case, afford them an assurance of impunity in the prosecution of their crimes since they generally carry on their designs in the night or under disguise.

Among these who have been convicted of robbery, I do not recollect an instance, in the proceedings upon their trial, in which their guilt has been proved by evidence, but by their own confession only: and this has occurred in so many instances that I am not without a suspicion that it is often obtained by improper means.

The chiefs of these banditti are generally as well known to be such, as if they were inveiled with a legal and public authority for the command which they exercise; yet it would be scarce possible to prove any direct fact against them on which they could be condemned; and I have the names of some, who have been taken up and examined on the notoriety of their character, but have been acquitted and released for want of evidence against them. With such offenders the authorized practice of the former Government has ever been to ascertain the identity of the men, and to condemn them without waiting for further process to establish any specific charge against them. I know to what I expose myself by recommending a practice so repugnant to the equity and tenderness of our own constitution; but from a principle superior to very consideration which may affect myself, I venture to declare, that unless this Government adopts the same summary mode of proceeding in such cases as I have described, I see no probability of freeing the country from the worst of oppression, or restoring it to security and order. A rigid observance of the letter of the law is a blessing in a well-regulated State; but in a Government loose as that of Bengal is, and must be for some years to come, an extraordinary and exemplary coercion must be employed to eradicate those evils, which the law cannot reach.

I now proceed to prescribe the remedy to these disorders, as it is pointed out by the causes to which I have attributed them. I propose, that Fouzders be appointed to the stations hereafter mentioned, for the protection of the inhabitants, for the detection and apprehension of public robbers within their respective districts, and for transmitting constant intelligence of all matters relating to the peace of the country to the Presidency; that the zemindars, farmers and other officers of the collections be enjoined to afford them all possible assistance in the discharge of their duty, and to obey such orders as they may have occasion to issue for that purpose; that the farmers do make over to them the land servants allowed for their respective districts, who shall be under the absolute command of the Fouzders; that the Chakeraun Zemeen, or lands allotted for the maintenance of the tannadars and pykes, which have been resumed and included in Jemna, may be again separated from it and applied to their original design (I cannot better recommend this institution, than by mentioning it as universal practice of all the nations in India, and of the remotest antiquity. I am assured, that the lands, which have been resumed from this service, yield little revenue to Government, having been mostly deserted by their former proprietor) that the jurisdiction of each Fouzdar be ascertained by proper limits; that he be made responsible for the due maintenance of the peace within that space; but that it may be lawful, and enjoined him, to send his officers when occasion may require it, beyond those limits for the apprehending of offenders; and that they be all strictly enjoined to co-operate and assist each other for that effect; that an office be established under the control and authority of the President, for receiving and registering all reports from the Fouzders, and issuing orders to them; that such of the zemindars or farmers, as shall be convicted of having neglected to assist the Fouzders in the execution of their trust shall be made responsible for any loss sustained by such misconduct, or otherwise fined according to the nature of the offence; but that all persons of whatever degree or profession, who shall be convicted of receiving fees, or other pecuniary acknowledgments, from robbers knowing them to be such, or of abetting or conniving in any shape at their practices, shall be adjudged equally criminal with them and punished with death; and that this be immediately made public throughout the province.

The following places are proposed for the Fouzdari stations:—

- | | |
|----------------------|-------------------|
| (1) Calcutta. | (8) Sherepoor. |
| (2) Tannah Muewa. | (9) Attyah. |
| (3) Houghley. | (10) Rajenagar. |
| (4) Cutwa. | (11) Backergunge. |
| (5) Jilee Shorepore. | (12) Mirzanagar. |
| (6) Moorsheadabad. | (13) Ichacada. |
| (7) Godagarree. | (14) Beerbhoom. |

The Tannahs of Calcutta, Moorsheadabad, Burdwan, Dacca and Deenagepoor, may be placed under the control of the Chiefs, the Committee of Revenue, and the Provincial Councils. Immediate jurisdiction and official management of each must be entrusted to a single head. It will find him sufficient occupation.

I have not included the province of Behar in this arrangement, because I do not know that it requires the like provision for the maintenance of its peace; neither have I been able yet to ascertain the stations for the northern part of Bengal, or the eastern division of Dacca. Concerning these, and the limitation of each boundary by clear geographical lines, I have written to the Surveyor-General for his assistance. The above limits have been laid down by your Canongos, and may serve for present guidance.

I recommend that an immediate trial be made of the stations at Cutwa, Mirzanagar and Eechacanda, in the district of Mahmudsahce, with the following establishment to

each. . . . I have made choice of the above places in preference to the rest for an immediate trial, because the parts adjacent to them are more infested with robbers, than the rest of the province.

The only objection to which this plan is liable is the expense; but I with confidence hazard the assertion that this will not equal the loss to which the cultivation and revenue are liable from the continuance of the present disorders; although not reducible to any estimate. I am assured that many villages, especially in Jessore and Mahmudshahce, pay a regular malguzarree to the chiefs of the decoits, from which if they can be freed, the reats will certainly be better enabled to pay their rents to the Government, independently of the improvements which their lands may be expected to receive from a state of quiet and security.

Resolved, that the Board approve thereof; and that the President be requested to carry it into immediate execution at the three stations of Cutwa, Mirzanagur and Eechacanda.

Warren Hastings found the portfolio dealing with the criminal jurisdiction and Fouzdari too much for him and on the 18th October 1775 Mahomed Reza Khan (who resided at Murshidabad) was appointed Naib Subha or Naib Nazim with authority to superintend the Fouzdari Courts and the administration of criminal justice throughout the country.

On the 9th November 1775 it is recorded in the Proceedings that a letter be writtten to Mahomed Reza Khan to the following effect :—

The Fouzdari Chucklas have yet only been in part established; those which have been fixed are at the Chucklas of Hooghly, Cutwa, Mirzanagur and Boosna. . . . In all these establishments and whatever new ones you may find it necessary to recommend, we desire you will observe the greatest economy.

In the Proceedings dated 6th December 1775 there is another letter to Mahomed Reza Khan :—

The zemindars and farmers will be ordered to deliver to the several Foujdars an account of the number of zemindary tannas in their districts, with the names of persons by whom they are held and will be strictly enjoined to obey the Foujdars in all matters relating to his jurisdiction.

The system therefore at the time when Mahomed Reza Khan took charge was as follows :—In Hooghly, Cutwa, Mirzanagar and Boosna there were Government Fouzdars or police officers whom the zamindari police had been ordered to obey. In the rest of the province there were zamindari police officers responsible to their masters.

To follow the history of the criminal and police administration it is necessary to trace the development of the administration of civil justice. In 1774 as has been stated above the Collectors (with the exception of four in charge of frontier tracts) were withdrawn from their districts and Provincial Councils were formed for the disposal of revenue business. These Councils also served as Civil Courts, but this plan proved a failure. The Councils were taken up with what after all they considered their legitimate duties—the revenue administration and the superintendence of trade. Accordingly in 1780 six officers were set apart for the administration of civil justice alone, and a separate court for the trial of civil suits was thus established alongside the six Provincial Councils. These officers were styled Superintendents of the Dewani Adalat. Appeals from their judgments were submitted to the Sudder Dewani Adalat at Calcutta through the Provincial Councils. The volume of Civil Court business overwhelmed these officers from the outset and accordingly in 1781, eighteen Civil Courts were established (including the six above mentioned) at the principal towns in the province. Fourteen of these were placed in charge of selected servants of the Company who from this time are termed " Judges." The other four courts were placed in charge of the four Collectors of the frontier tracts (who were not withdrawn in 1774).

The scheme of Warren Hastings for the organization of a police force under Fouzdars made no progress in the hands of Mahomed Reza Khan, and the duty of apprehending dacoits and persons charged with crime appertained to no one. To meet the difficulty the Judges and the four Collectors who had been left in the frontier areas—being the only servants of the Company residing in the districts and not engaged solely in trade—were entrusted with the powers of Magistrates. These Judge-Magistrates did not try cases; they sent their prisoners to the daroga of the nearest Fouzdari Court for trial. A few zamindars were entrusted with similar powers.

The following extract from the Resolution of the Governor-General in Council in the Revenue Department, dated 6th April 1781, authorized these arrangements:—

VI. That as the establishment of Fouzders and Tannadars which was intended for the preservation of the peace and to assist in the due and effectual exercise of the jurisdiction of the criminal courts throughout the provinces has by experience been found not to produce the good effects intended by the institution, it be therefore annulled and that the Nabob be accordingly requested to recall all these officers, the Fouzdar of Houghley only excepted, the different nature of whose office requiring it should be continued at least for the present.

VII. That the more effectually to promote the introduction of good order in the several districts, the judges of several Dewani Adauluts be invested with a power as Magistrates of apprehending decoits or persons charged with the commission of any crimes or acts of violence within their jurisdictions. They shall not, however, be empowered to try or punish such persons nor detain them in confinement; but shall immediately send them to the Daroga of the nearest Fouzdari Court with a charge in writing setting forth the grounds on which they have been apprehended.

VIII. That cases may happen, in which, by special permission of the Governor General in Council, certain zemindars may be invested with such part of the jurisdiction now exercised by the Fouzdars and their officers in the several districts, as they heretofore enjoyed under the ancient Mogul Government, it be in all such cases a rule, that the judge of the Dewani Adalat and the zemindar shall, both jointly and separately, possess a concurrent jurisdiction for the apprehension of all decoits, robbers, thieves, or other disturbers of the peace, and for sending them to take their trial, accompanied with a written charge, to the Daroga of the next Fouzdari Court.

When Lord Cornwallis arrived in 1787 the Revenue, Criminal and Civil administration was conducted as follows:—The Dewani Adalat (Civil Court) was in charge of one of the 18 Company's servants who were called "Judges." The Fouzdari Adalat (Criminal Court) was the same as had been appointed in 1772 and consisted of the Kazi and Mufti of the district with two Maulvis. Revenue matters went direct to the six Provincial Councils. The Judge was vested with magisterial powers for the arrest of offenders. Lord Cornwallis in 1787, under instructions from the Court of Directors, decentralized the revenue work again to the districts and appointed the Judge-Magistrate the Collector of the district, but the trial of the offenders was still left in the hands of the Muhammadan officers of the Nawab. As Magistrates, however, the Judge-Collectors were given criminal jurisdiction in petty cases and this is the first direct exercise of criminal jurisdiction by European officers in the mufassal. The European civil servant in each district was, therefore, vested with the powers of a Judge in civil matters, a collector of revenue and representative of the Dewan and thirdly as a Magistrate for the arrest of offenders and with powers to dispose of petty offences himself, and he was directed to keep each of these offices wholly distinct.

When the merchants took over the Dewani, the Courts administered Muhammadan law and when the Company established its own courts in 1772 it instructed its officers to be guided in the administration of criminal justice by the Muhammadan law, except where deviation was authorized by the regulations. The only alteration in, or rather addition to, the provisions of Muhammadan criminal law made by the early regulations is to the following effect:—

That, whereas the peace of this country hath, for some years past, been greatly disturbed by bands of dacoits who not only infest the high roads, but often plunder whole villages, burning the houses, and murdering the inhabitants; and whereas these abandoned outlaws have hitherto found means to elude every attempt, which the vigilance of Government hath put in force, for detecting and bringing such atrocious criminals to justice, by the secrecy of their haunts to their incursions; it becomes the indispensable duty of Government to try the most rigorous means; since experience has proved every lenient and ordinary remedy to be ineffectual. That it be therefore resolved, that every such criminal, on conviction, shall be carried to the village to which he belongs; and be there executed for a terror and example to others; and for the further prevention of such abominable practices, that the village, of which he is inhabitant, shall be fined, according to the enormity of the crime; and each inhabitant according to his substance; and that the family of the criminal shall become the slaves of the State; and be disposed of for the general benefit and convenience of the people, according to the discretion of Government.

The grounds upon which the above severe rule was suggested by the Committee of Circuit, are stated in the following extract from their letter to the President and Council, dated the 15th August 1772 :—

We have judged it necessary to add to the regulations, with respect to the Court of Fouzdari, a proposal for the suppression and extirpation of dacoits, which will appear to be dictated by a spirit of rigour and violence, very different from the caution and lenity of our other propositions; as it in some respects involves the innocent with the guilty. We wish a milder expedient could be suggested; but we much fear that this evil has acquired a great degree of its strength from the tenderness and moderation which our Government has exercised towards these banditti, since it has interfered in the internal protection of the provinces. We confess that the means which we propose can in no wise be reconcilable to the spirit of our own constitution; but until that of Bengal shall attain the same perfection, no conclusion can be drawn from the English law, that can be properly applied to the manners or state of this country. The dacoits of Bengal are not, like the robbers in England, individuals driven to such desperate courses by sudden want; they are robbers by profession, and even by birth: they are formed into regular communities, and their families subsist by the spoils which they bring home to them; they are all, therefore, alike, criminal wretches, who have placed themselves in a state of declared war with our Government, and are therefore wholly excluded from every benefit of its laws. We have many instances of their meeting death with the greatest insensibility; it loses therefore its effect as an example; but when executed in all the forms and terrors of law, in the midst of the neighbours and relations of the criminal; when these are treated as accessaries to his guilt, and his family deprived of their liberty, and separated for ever from each other; every passion, which before served as an incentive to guilt, now becomes subservient to the purposes of society, by turning them from a vocation, in which all they hold dear, besides life, becomes forfeited by their conviction; at the same time, their families, instead of being lost to the community, are made useful members of it, by being adopted into those of the more civilized inhabitants. The ideas of slavery, borrowed from our American colonies, will make every modification of it appear, in the eyes of our countrymen in England, a horrible evil. But it is far otherwise in this country; here slaves are treated as the children of the families to which they belong; and often acquire a much happier state, by their slavery, than they could have hoped for by the enjoyment of their liberty; so that, in effect, the apparent rigour, thus exercised on the children of convicted robbers, will be no more than a change of condition, by which they will be no sufferers: though it will operate as a warning on others; and is the only means, which we can imagine capable of dissipating these desperate and abandoned societies, which live on the distress of the general community.

APPENDIX TO CHAPTER IV.

Letter from Mr. Hastings, dated 18th July 1773.

I.

THE term dacoit, in its common acceptation, is too generally applied to robbers of every denomination; but properly belongs only to robbers on the highway, and especially to such as make it their profession, of whom there are many in the woody parts of the district of Dacca, and on the frontiers of the province; a race of outlaws who live, from father to son, in a state of warfare against society; plundering and burning villages and murdering the inhabitants. These were intended by the Board, in the 35th article of their judicial regulations, which declares that all such offenders shall suffer death, and their families be condemned to perpetual slavery. Severe and unjust as this ordinance may seem, I am convinced that nothing less than the terror of such a punishment will be sufficient to prevail against an evil, which has obtained the sanction and force of hereditary practice, under the almost avowed protection both of the zemindars of the country, and the first officers of Government. Yet if a careful distinction be not made, the raiat, who, impelled by strong necessity, in a single instance, invades the property of his neighbour, will, with his family, fall a sacrifice to this law; and be blended in one common fate with the professed dacoit; or the murderer. In the fouddari trials nothing appears but the circumstances of the robbery for which the prisoner is arraigned. That he is a dacoit is taken upon presumption, and all the world are his enemies. The Maulvies in the provincial courts refuse to pass sentence of death on dacoits, unless the robbery committed by them has been attended with murder. They rest their opinion on the express law of the Coran, which is the infallible guide of their decisions. The Court of Nizamut, under whose review the trials pass, and whose province it is to prepare the futwas for the final sentence and warrant of the Nazim, being equally bound to follow the Mahomedan law confirmed the judgment of the provincial court. The Mahomedan law is founded on the most lenient principles, and an abhorrence of bloodshed. This often obliges the Sovereign to interpose, and by his mandate to correct the imperfection of the sentence, to prevent the guilty from escaping with impunity, and to strike at the root of such disorders as the law will not reach. It is worthy of remark, that the instances, which are recorded in history of strict and exemplary justice in the principles of that religion, are all of the most sanguinary kind; and inflicted without regard to the law, and generally without any regular proofs or form of trial. I should be sorry to recommend an example of such rigour for the practice of our Government. I mean only by this short discussion to show, that it is equally necessary and conformable to custom for the sovereign power to depart in extraordinary cases from the strict letter of the law, and to recommend the same practice in the cases now before us. I offer it therefore as my opinion, that the punishments decreed by this Government against professed and notorious robbers be literally enforced, and where they differ from the sentences of the adawlut, that they be superadded to them by an immediate Act of Government; that every convicted felon, and murderer, not condemned to death by the sentence of the adawlut, and every criminal who has been already sentenced either to work during life upon the roads, or to suffer perpetual imprisonment, be sold for slaves, or transported as such to the Company's establishment at Fort Marlborough; and that this regulation be carried into execution by the immediate orders of the Board, or by an office instituted for that purpose in virtue of a general order or commission from the Nazim. By these means the Government will be released from a heavy expence in erecting prisons, keeping guards in monthly pay, and in the maintenance of accumulating crowds of prisoners. The sale of the convicts will raise a considerable fund, if these disorders continue. If not, the effect will be yet more beneficial. The community will suffer no loss by the want of such troublesome members, and the punishment will operate as an example much more forcible and useful than imprisonment, fines, or mutilation. The former, to a people addicted to their ease and who see in such a condition only an exemption from the necessity of daily labour, loses much of its terror. Fines fall with unequal weight on the wealthy and on the indigent. They are unfelt by the first; they prove equivalent to utter ruin or perpetual imprisonment to the last. And mutilation, which is too common a sentence to the Mahomedan courts, though it may deter others, yet renders the criminal a burden of the public, and imposes on him the necessity of persevering in the crimes which it was meant to repress.

Whether the futwa, or decree of the Nizamut Adawlut, after it shall have received the confirmation of the Nazim, shall be carried into execution precisely in the terms of his warrant or whether this Government shall interfere in adding to, or commuting, the punishment, in cases wherein it shall appear inadequate to the crime, or ineffectual as a check.

Although we profess to leave the Nazim the final judge in all criminal cases, and the officers of his courts to proceed according to their own laws, terms and opinions,

independent of the control of this Government, yet many cases may happen in which an invariable observance of this rule may prove of dangerous consequence to the power by which the Government of this country is held, and to the peace and security of the inhabitants. Whenever such cases happen, the remedy can only be obtained from those in whom the sovereign power exists. It is on these that the inhabitants depend for protection, and for the redress of all their grievances; and they have a right to the accomplishment of this expectation, of which no treaties nor casuistical distinctions can deprive them. It therefore the powers of the Nizamut cannot answer these salutary purposes, or, by an abuse of them, which is much to be apprehended from the present reduced state of the Nazim, and the little interest he has in the general welfare of the country, shall become hurtful to it, I conceive it to be strictly conformable to justice and reason to interpose the authority or influence of the Company, who, as Dewan, have an interest in the welfare of the country, and, as the governing power, have equally a right and obligation to maintain it. I am therefore of opinion, that whenever it shall be found necessary to supersede the authority of the Nazim, to supply the deficiencies, or to correct the irregularities of his courts, it is the duty of this Government to apply such means as in their judgment shall best promote the due course and ends of justice, but that this license ought never to be used without an absolute necessity, and after the most solemn deliberation. In many cases it may not be difficult to obtain the Nabob's warrant for such deviations from the ordinary practice, as may be requisite; and it were to be wished, that they could be always enforced by his authority; but I see so many ill consequences, to which this would be liable, both from his assent and from his refusal, that I am rather inclined to propose that every act of this kind be superadded to his sentence by our own Government. Although this is my opinion upon the question, as it respects the rights of justice and the good of the people, I am sorry to add, that every argument of personal consideration strongly opposes it, having but too much reason to apprehend, that while the popular current prevails, which over-runs every sentiment of candour towards the Company and its Agents, it will be dangerous both to our character and fortunes to move a step beyond the plain and beaten line; and that, laudable as our intentions were, we have already done too much. My duty compels me to offer the advice which I have given; and to that I postpone every other consideration.

II.

Opinion of the Members of Government on above.

On the 31st August 1773, the other members of the Government, having considered the letter addressed to them by Mr. Hastings, recorded their opinion upon it in the following terms:—

“The Board are fully sensible of the justness and propriety of the President's remarks upon the criminal of this country; their sentiments in general coincide with his: and they are equally convinced with him of the absolute necessity that a power should exist to control and superintend the sentences of the Mahommetan judges; and where the letter of the law appears clearly repugnant to the principles of good government and common sense, to apply such a remedy as the case may require; for without this interposition, it is evident, from the instances given by the President, that the most atrocious criminals might escape with impunity, by means of a precaution in the manner of perpetrating the crime; by the privilege enjoyed by individuals of remitting the punishment; and by the many nice distinctions which the expounders of the Coran have introduced. In order to prevent these abuses, and to provide a remedy for extraordinary evils, the sovereign power, in every Mahommetan State has reserved to itself the right of interposing with its authority; and of issuing such mandates as are evidently necessary for the benefit of society; and for that personal security which every member of a community is entitled to. In this country it has not only been the custom, but seems to be a maxim interwoven in the constitution, that every case of importance, where the precise letter of the law would not reach the root of the evil, should be submitted to the judgment of the *Hakim*, or ruler of the country, by an express reference added to the sentence. In a point however of so delicate and important a nature, the Board would wish to consider it with the benefit of the presence and counsels of the President; and be furnished with the fullest information before they come to any determinate resolution. They are sensible of that difficult situation in which they are placed; and would wish, with the President, that where deviation from the strict letter of the law becomes indispensable, could be enquired into by officers appointed by the Nazim and enforced by warrants.”

CHAPTER V.

The reforms of Lord Cornwallis and the thanadari police.

In 1787, when Lord Cornwallis landed in India, the criminal courts throughout the country were of very little use. The Collectors as Magistrates had very little power over the zamindars and other landholders. Robberies, murders and other enormities were daily committed throughout the country and the existing system for the repression of crime was wholly ineffectual. The Governor-General in Council, therefore, with a view to ensure a prompt and impartial administration of the criminal law and that all ranks of people might enjoy security of person and property, resolved to resume the superintendence of criminal justice throughout the province. The Regulation of the 3rd of December 1790 deals with this reform of the administration of justice in the Fouzdari and criminal courts. The Nizamat Adalat (the chief criminal court) was removed back again to Calcutta, where it consisted of the Governor-General and Members of Council assisted by the Head Kazi and two Muftis. At the same time four Courts of Circuit were established for Calcutta, Dacca, Murshidabad and Patna, each presided over by two civil servants called "Judges of the Court of Circuit for the division" assisted by two Kazis and two Muftis. There were two circuits during the year and two gaol deliveries in each district. The Judges of the Civil Courts in their capacity of Magistrates were to apprehend all criminals and disturbers of the peace and to hold a preliminary enquiry and the Magistrates were vested with power to hear and determine complaints of petty offences and to imprison up to 15 days (subsequently extended to one month).

•The following extract from the minute of Lord Cornwallis, dated 1st December 1790, gives some idea of the condition of the administration of criminal justice when he came to India :—

* * * The multitude of criminals with which the jails in every district are now crowded, the numerous murders, robberies and burglaries, daily committed and the general security of person and property which prevails in the interior parts of the country, are melancholy proofs of their having long and too generally existed. Having experienced, therefore, the inefficacy resulting from all the criminal courts and their proceedings being left dependent on the Nabob Mahommed Reza Khan, and from the objections which he may be naturally disposed to feel, on the ground of his religion, to any innovations in the prescribed and customary rules and application of Mahomedan law, we ought not, I think, to leave the future control of so important a branch of Government to the sole discretion of any native, or indeed of any single person whomsoever.

• Lord Cornwallis set himself to the task of organising a police force for the province, and the following "Regulations for the police of the Collectorships in Bengal, Behar and Orissa" were passed by the Governor-General in Council on the 7th December 1792.

As this document is the foundation of Police law in Bengal, I quote it *in extenso* :—

The establishment of an efficient police throughout the country, whereby offenders may be deprived of all hope of eluding the pursuit of the officers of justice being as essential towards deterring people from committing crimes, as the speedy and impartial trial of offenders when apprehended; and the clause in the engagements of the landholders and farmers of land, by which they are bound to keep the peace, and in the event of any robbery being committed in their respective estates or farms, to produce both the robbers and the property plundered having not only been found nugatory, but in the numerous instances proved the means of multiplying robberies and other disorders from the collusion which has subsisted between the perpetrators of them, and the police officers entertained by the landholders and farmers of land, in virtue of the clause above mentioned. The Governor-General in Council, with a view to afford that protection to the persons and property of the people which is so essential to their happiness, and to the public welfare, has been pleased to pass the following Regulations, which are to supersede all existing rules repugnant thereto :—

First.—The police of the country is in future to be considered under the exclusive charge of officers of Government, who may be specially appointed to that trust. The landholders and farmers of land, who keep up establishments of Tannadars and police

officers for the preservation of peace, are accordingly required to discharge them, and all landholders and farmers of land are prohibited entertaining such establishments in future.

Second.—Landholders and farmers of land are not in future to be considered responsible for robberies committed in their respective estates or farms, unless it shall be proved that they connived at the robbery, received any part of the property stolen or plundered, harboured the offenders, aided or refused to give effectual assistance to prevent their escape, or omitted to afford every assistance in their power to the officers of Government for their apprehension, in either of which cases they will be compelled to make good the value of the property stolen or plundered.

Third.—The Magistrates are to divide their districts, including the rent-free lands, into police jurisdictions. Each jurisdiction is to comprise an extent of country not exceeding ten cross square. The guarding of each jurisdiction is to be committed to a darogah or superintendent with an establishment of officers. The darogahs with their establishments are to be stationed in the centre of their respective jurisdictions; and the Magistrates are directed to endeavour to form the jurisdictions in such a manner as to bring the principal towns, bazars and gunges in the centre of them that the police establishments may serve for the protection of these principal places as well as the circumjacent country.

Fourth.—The police jurisdictions are to be numbered, and to be named after the central places at which the darogahs and their establishments may be stationed. The Magistrates are not to change the names or numbers of the jurisdictions, or to alter the limits of them without the sanction of the Governor-General in Council.

Fifth.—The Magistrates are to nominate the darogahs in the first instance, and to fill up all future vacancies. They will in consequence be held responsible for selecting persons duly qualified for the trust. But no darogah is to be removed from his office except upon proof of misconduct to the satisfaction of the Governor-General in Council; and no person is to be appointed a darogah without giving a security for his appearance in the amount of 1,000 rupees—himself in 500 and two creditable persons in 250 each.

Sixth.—Any person having a charge to prefer against another for murder, robbery, house-breaking, theft, or other crime or offence, cognizable by the criminal courts, and who shall not choose to lodge it immediately before the Magistrate of the district, shall be at liberty to prefer it in writing to the darogah of the jurisdiction in which the crime or offence may have been committed, or, if the offender shall have removed himself out of that jurisdiction in which he may be found. Such darogahs shall forthwith cause the party accused to be apprehended. If the charge shall be for murder, robbery, house-breaking, theft, or other heinous crime, the darogah shall send the accused to the Magistrate under safe custody within twenty-four hours after he shall have apprehended him. If the charge shall be for any crime or offence on which the Magistrates are authorized to decide, the darogah shall require sufficient security from the person accused to appear on the specific day before the Magistrate. If he shall refuse or be unable to give such security, the darogah shall send him under proper custody to the Magistrate within twenty-four hours after he shall have apprehended him. When the party accused shall appear before the Magistrate, he shall proceed against him in the same manner as if he had been apprehended under his own warrant.

Seventh.—The darogahs are authorized to apprehend without charge and without issuing a dustuck or writ, persons found in the act of committing a breach of the peace, or against whom a general hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, and also the several descriptions of persons specified in the 9th Article. In every other case the darogahs are prohibited apprehending any person without a charge preferred against him in writing under the seal or signature of the complainant, and without issuing a dustuck or writ, for his apprehension under their official seal and signature.

Eighth.—The darogahs are in all cases whatsoever to take security from the prosecutor and his witnesses to appear before the Magistrate on a specific day, which shall be the day whereon the party accused may be bound to appear, if security shall have been taken from him for that purpose, or the day on which he may be expected to arrive at the Magistrate's place of residence, if he is to be forwarded thither under custody.

Ninth.—The darogah upon receiving information of any notorious dacoits or robbers harbouring within his jurisdiction shall apprehend them, and forward them under safe custody to the Magistrate. He shall likewise apprehend and send to the Magistrate all Malaches, Syr Bejuas, or other description of vagrants or suspected persons, who may be lurking about his jurisdiction without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves.

Tenth.—It is to be understood that the duty of the darogah, with regard to persons charged with crimes or offences, is to be confined to apprehending and sending them under safe custody to the Magistrate, or taking security for their appearance before him. He is not to discharge the parties accused after they are once apprehended, except in the cases in which he is expressly authorized to release them upon security, or upon the parties delivering in a Razeenama in the case specified in the following article; nor to inquire into or pass sentence upon any complaint or impose any fine, or inflict any punishment on the prosecutors or the accused or their respective witnesses under pretext whatever.

Eleventh.—In complaints for petty assaults and all other cases upon which the Magistrates are empowered to decide, the darogahs are permitted to discharge the

defendant provided the complainant shall deliver a Razeenama or writing desiring to withdraw his complaint, and the defendant shall also give a Razeenama or writing agreeing to the complaint being withdrawn. These Razeenamas are to be attested by two creditable witnesses, and are to be transmitted to the Magistrate by the darogah with his monthly selahut or report. If the parties shall not deliver in such Razeenamas, the case must be brought before the Magistrate.

Twelfth.—All Pykes, Chokeydars, Pausbauns, Dusuds, Nigabauns, Harees, and other description of village watchmen are declared subject to the orders of the darogah. He shall keep a register of their names, and upon death or removal of any of them, the landholder or others, to whom the filling up of the vacancies shall belong, shall send the names of the persons, whom they appoint, to the darogah of the jurisdiction, that they may be registered by him as above directed.

Thirteenth.—The Pykes, Pausbauns and other village watchmen mentioned in the preceding article, shall apprehend and send to the darogah any persons who may be taken in the act of committing murder, robbery, house-breaking or theft or against whom a hue and cry shall have been raised. It shall be their special duty also to convey to the darogah of the jurisdiction immediate intelligence of any robbers who may have concealed themselves in their respective villages or the country adjacent, and also of any vagrants or other persons who may be lurking about the country, without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves.

Pykes, Pausbauns or other village watchmen, who shall not act in conformity to this article, shall be dismissed from their stations, and shall be further punished as the law may direct, should it be proved that they assisted in harbouring or concealing any of the above-mentioned descriptions of offenders or suspected persons or connived in any respect at their malpractices.

Fourteenth.—To enable the Magistrate to obtain speedy information of any crimes or offences that may be committed within the limits of his district, and for more expeditious circulation of information of any robbery or breach of the peace to the neighbouring Magistrates or darogahs of police, orders have been issued to all the dawk officers in the Company's provinces to receive and convey free of postage any letters which may be tendered to them by the darogahs of police. Such letters are to be superscribed with the name of the darogah and of the jurisdiction over which he may preside, with the words "Kar Sircar" to denote that the letters relate to the public service. Any darogah who shall insert in such letters any matter not relating to the public service upon which he is employed, shall be dismissed from his office. In cases where the darogahs shall be stationed at a considerable distance from the road by which the dawk may travel, the following directions are to be observed as far as may be practicable. The dawk officer shall deliver letters to the proprietor or head person of the village on the road that may be nearest to the place at which the darogah to whom the letter may be addressed shall reside, and take a receipt from him for it specifying the date of its delivery. The proprietor or head person of the village shall be held responsible for the letter being delivered to the darogah to whom it is addressed without delay, unless the distance of his place of residence shall exceed five coss, in which case such proprietor, or head person of the village who received the letter from the dawk officer, shall deliver it to the proprietor or head person of the first village the distance of which may exceed five coss from the dawk road and take a receipt for it. In this manner the letter shall be forwarded by the proprietors or head persons of the villages for the distance of five coss each, until the letter reaches the officer to whom it is addressed. In like manner whenever the darogahs, so stationed at a distance from the dawk road, shall have occasion to send letters to the dawk, the proprietors or head persons of villages shall convey them to the nearest dawk chokey in the same mode as they are required to convey to such darogahs any letters that they may be delivered to them by the dawk officers. As the places of residence of the darogahs will be fixed, the names of the villages, to the proprietors or head persons of which it will fall to convey the letters between the place where the darogahs may reside and the nearest dawk chokey or station, will soon be known to the dawk officers and darogahs who, to prevent disputes arising between the landholders respecting the conveyance of letters as above directed, shall write on the back of all letters the names of the villages by the proprietors or head persons of which they are to be so conveyed. The darogahs shall not only be authorized to dispatch letters by the public dawks to the Magistrate to whose authority they are immediately subject and the other darogahs in his district, but also to the Magistrates and darogahs of any of the neighbouring districts, to whom they may have occasion to send notice of any breaches of the peace that may have been committed in their own or any other jurisdiction. And the darogahs shall make it a rule whenever they receive intelligence of any murder or robbery having been committed in their own jurisdiction, to dispatch immediate information of it to all the neighbouring darogahs and also to the Magistrates of the adjacent districts, unless they shall have apprehended the offenders. All landholders, gomastahs, and other head persons of villages are required to pay strict obedience to these orders for conveying letters of the darogahs, and the Magistrates are directed to fix up copies of them in the head cutcherry of every pergunna throughout their respective districts.

Fifteenth.—A concurrent authority is vested in the several Magistrates and their officers in the cases and under the restrictions following, viz :—

The darogahs and police officers subject to the authority of one Magistrate are empowered either under his warrant, or without such warrant, to pursue robbers and

murderers into the jurisdictions of other darogahs, whether subject to the same Magistrate as themselves or to the Magistrates of any other districts or city. The Magistrates, darogahs, police officers, landholders, farmers, gomastahs of villages, cultivators of land and all other persons having authority or residing in the jurisdiction into which the offenders may be pursued are required to afford every assistance in their power to the pursuing officers for the apprehension of the offenders. It is to be understood, however, that this concurrent authority vested in the Magistrates and the police officers is to extend only to cases in which the crime with which the persons pursued may be charged shall have been committed within their respective jurisdictions, or (in the event of the crime having been committed in any other jurisdiction) where the offender was actually within their jurisdiction when the charge against him was preferred to them. And it shall not be lawful for the Magistrate or darogah of one district or jurisdiction to issue a warrant for the apprehension of any offender being or residing in another district or jurisdiction at the time of the complaint being preferred to them for any crime or offence not committed within the limits of their respective jurisdiction. In such case the complainant must apply in the first instance to the Magistrate of the district or the darogah of the jurisdiction, in which the crime shall have been committed or in which the offender may reside or be found.

Sixteenth.—Whenever the police officers employed under one Magistrate shall apprehend offenders in the district of another Magistrate in virtue of the powers vested in them by these Regulations, they shall immediately deliver to the darogah of the police jurisdiction in which the offenders may be apprehended, a list of their names and statement of the crimes with which they are charged, and the said darogah shall immediately forward such list and statement to the Magistrate to whose authority he is subject.

Seventeenth.—The darogahs shall receive a commission of ten per cent. on the value of all property stolen or plundered which they may recover.

Eighteenth.—It shall be the duty of the darogahs to proceed in person or to depute one or more of their officers to the several towns, gunges, bazars and haats on market days, to prevent any disputes or disturbances arising between the vendors and purchasers or other persons resorting to the markets.

Nineteenth.—The following Regulations, passed on the 15th November 1788, are made general, and it shall be the duty of the darogahs to seize all boats used or built in opposition to them, and to apprehend and send to the Magistrate the artificers employed in repairing or building such boats, and to report to him the names of the landholders in whose village they may have been built or repaired, that the penalties prescribed may be enforced against them :—

First.—All persons, the Magistrates of districts excepted, are prohibited building or making use of boats of the following descriptions :—

		Covids length.	Covids breadth.
" Luckhas	...	40 to 90	2½ to 4
Jelkurs	...	30 to 70	3½ to 5

Panchwais of Chandpur carrying more than thirty oars.

Second.—The Magistrates are directed to seize and confiscate all boats of the foregoing descriptions which may be found within the limits of their respective jurisdictions.

Third.—Any zemindar or other landholder, allowing any boat of either of the descriptions above specified, to be built or repaired within the limits of his zemindari unless by a written order from the Magistrate of the district, shall forfeit to Government the village in which such boat shall be proved to have been built or repaired.

Fourth.—All carpenters, blacksmiths or other artificers, are prohibited engaging for, or being employed in, the building or repairing of boats of the descriptions above mentioned (unless by the express permission of the Magistrate of the district) under pain of being committed to close imprisonment in the Foudari jail for any period not longer than one month, or suffering corporal punishment not exceeding twenty strokes with a ratan.

Twentieth.—The darogah of each jurisdiction shall send monthly report (selabut) in writing to the Magistrates, which shall contain the name of all persons whom he may have apprehended, their crimes and the date of their apprehension, also the date on which they were dispatched to the Magistrate or released either upon bail or in consequence of the parties having agreed to withdraw the complaint in the cases specified in the sixth and eleventh articles, and also a circumstantial detail of all other acts done by him in his official capacity. These reports are to be dispatched on the 5th of every month for the month preceding, by the public dawk, or if they cannot be sent by this mode of conveyance, by such other as the Magistrate may direct. If it shall be proved that a darogah has apprehended any person or issued orders, or done any official act, which shall not be inserted and truly stated in his report, he shall be dismissed from his office.

Twenty-first.—If the darogah of a jurisdiction shall commit any acts of corruption, extortion or oppression, or any act not authorized by these Regulations, the party

injured is hereby permitted to prosecute him, either criminally before the Court of Circuit or for damages in the Dawanee Adawlut. The Judges of the above-mentioned courts are required to take cognizance of all such prosecutions or suits as may be brought before them under this Regulation, and to pass such sentence or decree thereon as may appear to them equitable upon a consideration of the circumstances of the case.

Twenty-second.—The Magistrates are to furnish the darogahs of the several jurisdictions with a sunnud of office and a translate of the above Regulations in the Persian or Bengali languages. The sunnud and translates are to be attested with their official seal and signature.

This Regulation was subsequently re-enacted as Regulation XXII of 1793 described as “a regulation for re-enacting with alterations and amendments regulations passed by the Governor-General in Council on the 7th of December 1792 for the establishment of an efficient police throughout the country.” The police of the country was removed from the control of the zamindars and placed under officers of Government, and the zamindars were required to discharge their police and prohibited from entertaining police establishments in future. Landholders and farmers of land were not in future to be considered responsible for robberies unless complicity could be proved against them. The zilla Judges, who in 1774 took over the Fouzdar’s duties and held magisterial powers, were required to divide their zillas into police jurisdictions, each jurisdiction to be of the area of about 400 square miles and the guarding of this area was committed to a daroga with an establishment of police officers to be paid by Government. The darogas were required to give security in the sum of Rs. 1,000. The Magistrates at Dacca, Murshidabad and Patna cities were directed to revise their cities and their environments into wards, each ward to be guarded by a daroga and the darogas to be under the immediate authority of a Kotwal. Kotwal had to give security of Rs. 5,000. The darogas and Kotwals could not be removed without the sanction of Government. The numbers of the police force and their stations were left to the discretion of the Magistrate. But in the cities the Jamadar with half the establishment patrolled for the first half of the night and the Daroga with the other half of the establishment patrolled from midnight till dawn. The instructions in the regulation are that the patrols are to move about with as little noise as possible, that thieves and other disorderly persons may not be apprized of their approach. The patrols of the several wards and such part of the stationary watchmen as the Kotwal shall appoint are to be furnished with *singhara* or horns, which they are to sound when they meet with robbers and other persons guilty of breach of the peace and when they have occasion to give the alarm to each other or to the inhabitants of the ward that they may operate for the apprehension of the offenders. “The Kotwal is to be careful that the stationary watchmen, and the darogas and their officers, perform the efficient duties prescribed in this clause regularly and properly and to report to the Magistrate every instance in which they may be guilty of negligence or misconduct in the discharge of them.”

The mohulladars were held responsible for any offenders or strangers within their mohulla and had to report daily the arrival and departure of travellers, and all private watchmen were required to assist the police and were declared subject to the orders of the Kotwal and daroga. The duty of the Kotwal and of the daroga was to apprehend all criminals or persons guilty of a breach of the peace and all vagrants. People arrested by the patrol in the night were brought to the Kotwali at sunrise and the Kotwal brought all prisoners before the Magistrate by 11 o’clock. The Kotwals and darogas were given powers of releasing persons apprehended for petty offences of a bailable nature; but a report of all such releases had to be made to the Magistrate. The duty of the Kotwals and darogas of wards was restricted to apprehension and production before the Magistrate. They were not to make any enquiry into the truth of the charges preferred to them without special instruction from the Magistrates. They had no powers of fining or of passing sentence. The Kotwals had also to make inquests in cases of murder or unnatural death and local enquiries on information received of a robbery or other violent crime. They could also take voluntary confessions of persons apprehended.

By a general rule extended to the whole of the provinces all "pykes, chokeydars, pausbauns, dusauds, nigabans, harees, and other descriptions of village watchmen" were declared subject to the orders of the daroga who kept a register of their names, and upon the death or removal of any of them, the landholders or others to whom the filling up of the vacancies belonged, sent the names of the persons whom they appointed to the daroga of the jurisdiction that they might be registered by him.

The pykes, pausbauns and other village watchmen were to apprehend and send to the daroga any persons who might be taken in the act of committing murder, robbery, house breaking or theft, or against whom a hue and cry had been raised. It was their special duty also to convey to the daroga of the jurisdiction immediate intelligence of any robbers who might have concealed themselves in their respective villages or the country adjacent, and also of any vagrants or other persons who might be lurking about the country, without any ostensible means of subsistence or who could not give a satisfactory account of themselves. Pykes, pausbauns or other village watchmen, who did not act in conformity to the section, were to be dismissed from their stations by the landholders or other persons by whom they might be employed upon the requisition of the Magistrate, and further punished as the law might direct, should it be proved that they had assisted in harbouring or concealing any of the abovementioned descriptions, of offenders or suspicious persons, or connived in any respect at their malpractices. The daroga of the mufassal police jurisdictions had under their immediate authority—

1. The watchmen.
2. The writer.
3. One or more Jamadars.
4. An establishment of burkundazes or matchlock men, varying from 10 to 20, 30 or 40, according to the circumstances of the jurisdiction.

The general duty of the police daroga and of the officer appointed to act under him was (1) to maintain the peace; (2) to prevent, as far as possible, the commission of all criminal offences; (3) to discover and apprehend the offenders; (4) to execute processes and obey orders transmitted by the Magistrate; and (5) to perform such other services as are prescribed by the regulations. Any person having a charge to prefer against another for a crime is at liberty to prefer it in writing to the police daroga. If the complaint was a petty one, it had to be written on a stamped paper bearing a duty of eight annas per roll. The object was to check litigation over petty matters. The daroga, if the offence complained of was a serious one, took the statement of any credible person acquainted with the case on oath or on solemn affirmation and himself issued a warrant for the arrest of the offender, and when apprehended, the offender was to be sent in safe custody within 24 hours to the Magistrate. If the complaint made was for a bailable offence, the daroga was to issue such summons specifying the offence charged and requiring the accused to attend before the Magistrate on a specific date, either with or without bail; in cases where the charge did not involve a breach of the peace, the daroga was empowered to transmit the complaint to the Magistrate for his orders.

When the daroga apprehended an offender, he examined him without oath, and in the event of the prisoner making a free and voluntary confession, he was to question fully on the whole of the circumstances of the case the person concerned in the commission of the crime and persons in the possession of stolen property. The daroga was warned against using any compulsion against either the party or the witnesses and against persuading or threatening or promising pardon to induce a confession. The police officers were also required to make it an invariable rule whenever information was received by them of a robbery or other violent crime within their respective jurisdiction to repair in person to the spot or to send a fit person from among the officers under them to ascertain the facts and circumstances of the case. This enquiry was to be made and committed in

writing on the spot and attested by three or more credible persons and forwarded to the Magistrate. Excepting cases in which the zilla officers were especially authorised to make enquiries, they were prohibited from enquiring into the truth of any complaint preferred to them. They were likewise prohibited from passing sentence or imposing a fine or inflicting any punishment. The police officers were likewise forbidden to discharge persons accused after they have apprehended them, except in case where they were authorised to do so by the regulations.

The police darogas were authorised to apprehend without a written charge and without a writ persons found in the act of committing a breach of the peace or against whom a general hue and cry shall have been raised and also against notorious dacoits or robbers as well as of vagrants or suspected persons without ostensible means of subsistence. Police darogas were likewise directed to despatch immediate information concerning crimes and criminals to all neighbouring darogas as well as to Magistrates of adjoining zillas. Darogas of police were entitled to receive from Government a reward of ten rupees, for every dacoit who may be apprehended by them, to be paid on the conviction of the offender and they were entitled to a commission of ten per cent. on the value of stolen property recovered provided the thieves be apprehended and convicted.

This Regulation XXII of 1793 also provided for the registration of certain descriptions of boats usually employed by dacoits who infested the rivers in the lower parts of Bengal. The police were authorised to give assistance to travellers passing through their respective jurisdictions under certain restrictions. The darogas also submitted a monthly report of all that went on in the thana.

This was Lord Cornwallis's scheme for police organization. It will be convenient to turn for a moment to the state of judicial administration at this time (1793). On his arrival Lord Cornwallis had, under the instructions of the Court of Directors, entrusted to a single officer the duties of Civil Judge, Collector of the Revenue, and Magistrate of Police, and the officer entrusted with these powers was primarily a merchant and Collector of Revenue. It is not surprising to find under these circumstances that the administration of justice received scant attention. Lord Cornwallis saw the defect and he remedied it by appointing a separate officer to deal with all judicial matters not only civil and criminal, but also revenue matters. The Collector was freed entirely from the exercise of judicial functions. In accordance with this policy the following Courts were created in 1793 :—

- (1) the Sudder Dewani Adalat and the Nizamut Adalat, a single court having a civil and criminal side. The members of this court was the Governor General and Members of the Council with the addition on the criminal side of the head Kazi and two Muftis;
- (2) the four provincial Courts of Appeal and Circuit remodelled in constitution and jurisdiction.
- (3) twenty-three zilla, and in Dacca, Murshidabad and Patna special city courts. These zilla courts were presided over by the zilla Judge, who also held the office of Magistrate and was responsible for the superintendence and control of the police; and
- (4) native Commissioners for the control of civil suits (the origin of the Munsifs).

The zilla Judge in his capacity of Magistrate and Justice of the Peace exercised the minor original criminal jurisdiction in respect of petty assaults and theft and committed persons charged with more serious offences for trial before the Court of Circuit. His jurisdiction as Magistrate was the same as in 1790. The Provincial Courts besides their civil work formed a Court of Circuit and tried all prisoners committed by the Magistrates. There was no appeal from the Court of Circuit.

In 1795 it was found that the Governor-General in Council could not deal with a large amount of judicial work and, in accordance with the

policy followed in the districts, it was felt desirable that the Governor-General in Council should not directly exercise supreme judicial authority as well as supreme legislative and executive authority. Accordingly in 1801 it was enacted that the Court of Sudder Dewani Adalat and the Court of Nizamat Adalat should thenceforth consist of three Judges (assisted by the Kazi and Muftis), of whom one was to be a Member of the Supreme Council. The Court of Sudder Dewani and Nizamat Adalat at Calcutta was abolished in 1862 upon the establishment of the present High Court.

The Provincial Courts (which were also Courts of Circuit), established in 1793 consisting of three Judges each, found the volume of work too great. They were, therefore, split up into three courts: one remaining at the headquarters and the other two dividing the circuit between them. In 1799 provision was made for holding a monthly jail delivery in the three cities. In 1829 the powers of the Courts of Circuit were transferred to the newly-created Commissioners of Revenue and Circuit and the powers and authority of the Judges of the Provincial Courts in their capacity as Judges of Circuit ceased. The Provincial Courts themselves shortly afterwards ceased to exist.

Under the regulations of 1793 the Judge and Magistrate were united in the same person; but the Collector's work was done by a separate official. In 1810 a permissive regulation was passed under the provisions of which the Governor-General was empowered to appoint a person other than the judge of zilla or city to hold the office of Magistrate whenever it was considered expedient to make such an appointment. In 1821 a further permissive regulation was passed empowering the Governor-General to invest the Collector with the powers of a Magistrate and to invest the Magistrate with the powers of a Collector. In 1831 the offices of Magistrate and Collector were united under Lord William Bentinck's administration; but as the Collector-Magistrate was unable to cope with the judicial portion of his duties, Joint Magistrates and Deputy Collectors were appointed to assist him. The powers of the Magistrates were increased up to two years' imprisonment. In 1829 it was declared competent to the Governor-General in Council to direct any Judge of an appeal or other Judge, not being the Magistrate by whom the commitments had been made, to hold the Sessions of gaol delivery for any city or zilla with the powers and authority of a Court of Circuit, and a few months later the zilla or city Judges were given full powers to conduct the duties of the Sessions. These Sessions Judges, however, had no jurisdiction to hear appeals from Magistrates. These appeals lay to the Commissioner to whom had been transferred the powers of the Court of Circuit. The office of Sessions Judge and Magistrate still continued to be united in the same person, and this inconvenience caused considerable delay. To remedy these defects the exercise of the functions of the Magistrate were transferred to the Collector under the regulation of 1821.

In 1835, it was made competent to the Governors to transfer the duties connected with the criminal justice from any Commissioner of Circuit to the Sessions Judge. It was not till 1837 that the power of hearing appeals from Magistrates was transferred to the Judges. It will thus appear that the jurisdiction of the zilla and city Judges as Sessions Judges was created in a curiously indirect manner and depended upon four fragments of enactments. The powers and duties of Sessions Judges are now regulated by the Code of Criminal Procedure.

The union of the offices of Collector and Magistrate, which was effected in 1831, lasted for a few years only. The Collectors were busy with the resumption proceedings and the duties of the Magistrates' offices were neglected. In 1837 Lord Auckland obtained sanction to separate the two offices of Collector and Magistrate. But it was the Joint Magistrate, a junior officer, who was created Magistrate and, in consequence of the small salaries, the office fell into the hands of the junior and inexperienced members of the service, and, in 1859, the Magistrate again became a Joint Magistrate and the offices of Collector and Magistrate of the district were again united, an arrangement which continues to the present day. The powers and duties of Magistrates are regulated by the Code of Criminal Procedure.

After this sketch of the developments of the Courts, we will return to the development of the police administration :—

In Regulation of 1808 the responsibility of the general public for the apprehension of dacoits was defined. The preamble to the Regulation reads :—

The continued prevalence of that atrocious offence (dacoity) in some of the districts and the importance of suppressing a crime so injurious to the peace and happiness of the community, render it necessary that further provisions should be adopted to facilitate the apprehension of the sardar dacoit to whose influence and ascendancy over their respective gangs and accomplices the existence of this serious crime is chiefly to be ascribed and also to facilitate the apprehension of other persons concerned in the commission of such offences. With this view it is essential to call forth the active exertions of all persons possessed by their situation the means of aiding in the apprehension of offenders of that description. To promote the attainment of so important an object it has been deemed advisable, on the one hand, to establish personal security and indemnity, together with suitable rewards for such persons as may afford active assistance in bringing offenders of the above description to punishment; and, on the other, to prescribe adequate pains and penalties for such persons as possessing the means of affording assistance towards the prevention of a crime so injurious to the peace and happiness of society, shall neglect to employ them to that end.

In Regulation XII of 1807, an experiment was proposed but it was never carried fully into effect. The police establishments maintained on the part of Government were found inefficient for the purposes of their appointments, and so the Government went back to the landholders. It was stated that the reasons for withdrawing the police administration from the landlords in general did not apply to such landlords as from their qualifications and character, may be considered deserving of confidence and disposed to make a proper use of the means which they possess in promoting the maintenance of the peace, etc. Provision was therefore made for granting commissions to the respectable Hindu and Musalman inhabitants of the several zillas, authorising them to act as amins of police. This regulation also provided for the more complete formation of registered village watchmen, *vide* section 13, Regulation XXII of 1793. The power of the amins was something of the nature of Jamadars working under darogas. It is unnecessary to describe them at length, as the scheme was not a success.

The question of paying the police arose in 1792 and Regulation XXIII of 1793 provided for a police tax on merchants, traders and shop-keepers; but difficulties were experienced in determining what persons were liable to be taxed and also fixing the amount to be assessed. To provide for the deficiency in the public revenue, new fees on the institution and trials of civil suits and stamp duties were introduced; but the annual produce of such fees and stamp duties was not specially brought to account for the charges of police. A tax, however, was imposed upon the manufacture and sale of spirituous liquors. One declared object of this was to give the Magistrates a more immediate and efficient control over the conduct of the vendors, and render the tax as much as possible conducive to the general purposes of police.

In 1808 the Government of Lord Minto expressed the opinion that—

It is consistent with the practice of other Governments that judicious and well concerted measures should occasionally be adopted from the capital, in addition to the local administration of the police for the apprehension of the public offenders; and for the maintenance of general order and tranquillity throughout the country. By concentrating information obtainable from different parts of the country in a particular office at the Presidency, a successful plan of operation may be devised and executed when the efforts of the local police officers would be unavailing. Information and measures conducive to the discovery and seizure of the gangs of dacoits, which still continue to infest many of the zillas in the province of Bengal, may especially be promoted by the appointment of a Superintendent of the Police. A power vested in this officer to act in concert with the zilla and city Magistrates, or independently of them, as circumstances shall direct, may also be usefully employed in the detection and apprehension of persons charged with, or suspected of other public offences; and to promote this object it is expedient that he should be one of the Justices of the Peace for the presidency."

Accordingly under Regulation X of 1808 a covenanted servant of the Company was appointed to the offices of Justice of the Peace for the city of

Calcutta, Magistrate of the 24-Parganas, and Superintendent of Police, in addition to the persons then holding the joint offices of Justices of the Peace for the city of Calcutta and Magistrates of the 24-Parganas, but whose functions were for the most part confined to the city and its suburbs. In this capacity of Superintendent of Police he possessed a concurrent jurisdiction with the several zilla and city Magistrates in the divisions of Calcutta, Dacca and Murshidabad. As Magistrate of the 24-Parganas, he had two assistants. He was empowered to execute his warrants, etc., either by means of his own officers or through the local authorities as he might judge proper. He was to act directly under the jurisdiction of the Judicial Secretary and also to be under the general authority of the Nizamat Adalat.

This office of Superintendent of Police was abolished in 1829 and the duties transferred to the Commissioners of Revenue and Circuit. It was, however, reconstituted by Act XXIV of 1837, which required the Superintendent of Police to be guided generally by this and subsequent enactments not inconsistent with Act XXIV of 1837.

CHAPTER VI.

The " Fifth Report."

The " Fifth Report " of the Select Committee appointed " to enquire into the present state of the affairs of the East India Company " published in 1813, gives much information concerning the state of the country in the closing decade of the eighteenth century and the opening one of the nineteenth. The opening paragraphs dealing with the police are quoted below :—

THE POLICE.

From the description which has been given of a zemindary under the native Government, it will appear that, aided by numbers of inferior officers, maintained in the different villages, the zemindar must have possessed considerable power within his limits, more especially when his zemindary was of great extent. It has also been noticed that the Asiatic Governments inclined to the establishment of individual authorities, in gradation from the sovereign downwards to the village *Mockuddum* or *Mundul*. It was consistent with this principle, that the zemindar exercised the chief authority, and was entrusted with the charge of maintaining the peace of his district or zemindary. In his official engagement, he became bound to apprehend murderers, robbers, house-breakers, and generally all disturbers of the public peace. If he failed in producing the robber, or the thing stolen, he was answerable to the injured person for the amount of the loss. If the zemindary was farmed, the farmer who possessed the authority incurred the same responsibility: and when committed to the charge of an officer on the part of the Government, the same responsibility, and the means of supporting it, devolved on that officer. The means thus provided, were ample for maintaining the peace; and when properly directed, could not fail of efficiency, from the great number of individuals who might at any time, be called forth in defence and for the security of the inhabitants, consisting not only of the *paushauns* or village watchmen, whose special duty it was to be always in readiness for that purpose, but all those likewise over whom the zemindary authority extended. But this institution had, under the old Government, fallen into a state of disorder; and it was not thought expedient to attempt its re-establishment. The reasoning upon this, as upon some other topics at this time, proceeded, as in the preamble to the Regulation XII of 1793, more on the abuse that had been experienced of the authority in question entrusted to the zemindars, than on the means which might have been found for restoring and applying it, to the public benefit: and concluded with a declaration of the expediency of calling on the zemindars to discharge their Police establishment, and of prohibiting them from entertaining any such establishments in future. Divested of the power, they were of course relieved from the responsibility, in regard to robberies committed within their limits, unless it should be proved that they connived at, or were accomplices in the offence, or "omitted to afford every assistance in their power to the officers of Government for the apprehension of offenders."

The new scheme of Police introduced by the regulation alluded to has divided the country into Police jurisdictions of ten coss or twenty miles square. Each division is guarded by a darogah with an establishment of armed men, selected and appointed by the Magistrate of the *zillah*. The darogah is employed to apprehend on a written charge, and to take security for appearance before the Magistrate, when the offence is bailable. In other cases, he is required to send the prisoners to the Magistrate within a limited time unless for petty assaults and the like, in which cases the Magistrate himself may decide, and wherein the parties themselves agree to drop proceedings. Under such circumstances, the darogah is allowed to receive a written testimonial of conciliation termed *razenamah*, and to discharge the prisoner.

The *paushauns*, *pykes*, and other description of village guards, who still have their subsistence from the village establishment, are, by the regulation above cited, placed under the authority of the darogah, who keeps a register of their names, and on a vacancy occurring in their number, calls on the zemindar, to whom the privilege appertains to fill it up as an encouragement to vigilance in the darogahs, they are allowed ten rupees from the Government on the conviction of every decoit or gang robber apprehended by them, and ten per cent. on the value of stolen property recovered, provided the thief be apprehended.

The cities of Patna, Dacca, and Moorshedabad are divided into wards, guarded by darogahs and armed parties; the whole, subject to the superintendence of an officer retained from the former system—denominated *cutwal*, to whom the General Police of the city, and regulation of the market, was entrusted. It does not appear that any oath of office has been required from the darogahs and *cutwals*; but being appointed on the recommendation of the Magistrate, he may be considered to a certain extent.

responsible for their general good conduct; they moreover all give security for their good behaviour, and are further declared punishable in the event of their violating the trust reposed in them.

The systems of Police thus established for the territorial possessions held under the Presidency of Bengal, continued in force till the year 1807, when a considerable alteration of them was found to be expedient.

Experience had made it evident to the Government that the system of Police introduced in 1792, and confirmed by the printed regulations of 1793, was inadequate to the purposes proposed; and that a necessity existed for again calling in zemindari aid, to the assistance of the Police darogahs.

The Report of the Committee in the state of the police is quoted *in extenso* from the Fifth Report:—

THE POLICE.

The establishment of an efficient Police, though an object of the first importance, appears to be a part of the new internal arrangements, in which the endeavours of the Supreme Government have been the least successful. The difficulty of the undertaking, proceeds partly from the nature of the country, intersected by rivers, and abounding in woods and wastes, which afford a ready means of escape to robbers; but more perhaps, from the depravity of certain classes of the natives, who do not wait till driven by want to commit outrages, but follow robbery as a profession, descending from father to son. These are the decoits, or gang-robbers, who, though occasionally appearing in most parts of the country, are stated to infest in a peculiar degree, the lower or Bengal provinces.

The Committee of Circuit, as long ago as the year 1772, described the decoits of Bengal to be, "not like robbers in England, individuals driven to such courses by sudden want; they are robbers by profession, and even by birth; they are formed into regular communities, and their families subsist by the spoils which they bring home to them." This description of the decoits was given, to account for some measures of unusual severity, which it was at that time proposed to resort to, for the purpose of suppressing the offence in question, but which, if ever put in force, do not appear to have proved effectual; on the contrary, the depredations committed by decoits on the property, and the cruelties practised by them on the persons of the inhabitants, have been the subjects of much complaint down to the present time, and appears of late years, to have increased in those provinces to a considerable extent. One of the causes to which this may be ascribed, is the difficulty which has been experienced in obtaining the specific evidence which the practice of the Courts of Circuit requires to convict the offenders, and so the facility with which they in consequence escape punishment and recommence their depredations. On this point, the Committee are induced to quote the following passage from a report made to the Government by the Magistrate of Dacca, Jellalpoore, in 1802:—"Decoits glory in the dread their names inspire: they therefore take no pains to conceal their names; they become from these reasons, publicly notorious; their names and characters are familiar to all the inhabitants, even to those who have never seen them. Witnesses against men of this description, risk their lives, if they speak to any specific charge; if they only describe them as notorious, in general terms, notice is not taken of it; because mere public notoriety, without a specific charge, is not deemed legally sufficient to convict them; and, in the opinion of the prisoner, it is rather an addition to his reputation. Those who volunteer to apprehend them, equally risk their lives. Professional goyendas (or informers) are not, in the same predicament; their spies watch the motions of the decoits, and they avail themselves of this information to raise contributions, by making arrangements with the sirdars (or leaders) as the price of their silence. The difficulty of convicting these sirdars, is in proportion to their notoriety; the greater their reputation for robbery and murder, the more difficult it is to get witnesses to come forward against them. There are in my jail many sirdars of this description, whose release from confinement would be dangerous to the society at large, and certain death to those who had any share in apprehending them. If public notoriety (such as I described) was deemed sufficient to subject them to transportation for life, I think it would be of the utmost benefit to the community, as the object of their ambition (an extended notorious name) would, with propriety, be made the cause of their punishment; I think it would contribute much to check the evil.

"No Magistrate who is attentive to his duty, can be long without knowing the characters of notorious sirdars. In the very course of business, he must become familiar with their names; and although he has it not in his power to substantiate legal and specific charges against them, for the reasons above assigned, he feels it his duty to apprehend them; but is unable to convict them, for want of that direct proof which the atrocity of the prisoner's character prevents his obtaining."

But although the necessity of specific proof against these hardened offenders, may have been one of the occasions of the outrages which they perpetrate in the exercise of their depredations; there are others, which are equally deserving of notice.

A comparison of the abundant means afforded by the former establishments, with the scanty provision made by the present system, for suppressing gang robbery, may farther account for its recent prevalence in the Bengal districts.

Besides the usual establishments of guards and village watchmen, maintained for the express purpose of Police, the zemindar had, under the former system, the aid of his zemindary servants, who were at all times, liable to be called forth for the preservation of the public peace, and the apprehension of the disturbers of it. The officers employed in the collection of the sayer or impost duties, before the abolition of them, and stationed at the *gunjes*, or commercial depôts of grain, in the *bazars* or markets, and at the *hauts* or fairs, possessed authority and officiated for the preservation of peace, and the protection of the inhabitants and frequenters of those places. To convey an idea of the means possessed by a principal land-holder for the purposes above mentioned, it may be sufficient to notice the case of the zemindar of Burdwan: This zemindary, on a rough estimate, may be taken at 73 miles long, and 45 broad comprehending about 3,280 square miles; nearly the whole of which was in the highest state of cultivation, and well stocked with inhabitants. His Police establishment, as described in a letter from the Magistrate of the 12th October 1788, consisted of *tannahdars* acting as Chiefs of Police divisions, and guardians of the peace; under whose orders were stationed in the different villages, for the protection of the inhabitants, and to convey information to the *tannahdars*, about 2,400 *pykes* or armed constables. But exclusive of these guards, who were for the express purpose of Police, the principal dependence for the protection of the people probably rested on the zemindary *pykes*; for these are stated by the Magistrate to have been in number no less than nineteen thousand, who were at all times, liable to be called out in aid of the Police.

The whole of this last-mentioned numerous class of *pykes* are understood to have been disbanded, in compliance with the new Police regulations; and their lands, allowed them in lieu of pay, resumed. The amount of revenue brought to the account of Government on this head, being trifling for their extent, it is probable that the greatest part of the number of *pykes* retain them, under connivance from the zemindar; but however this may be, the services of the *pykes* are lost to the Police, while such of those persons as were really disbanded, are supposed to have had recourse to thieving for a livelihood. With respect to the *darogahs*, or head Police officers, who have taken place of the *tannahdars* under the new system, it is observed of them, that they are not less corrupt than the *tannahdars* their predecessors, and that themselves and the inferior officers acting under them, with as much inclination to do evil, have less ability to do good, than the zemindary servants employed before them. The *darogah* placed in a division of the country comprehending four hundred square miles, is with fifteen or twenty armed men, found to be incompetent to the protection of the inhabitants.

The village watchmen, and such as remain undismissed of the zemindary servants, are by the public regulations, required to co-operate with the *darogah*; but a provision of this nature, without the means of prompt enforcement, has not been attended with the desired effect; the influence of the zemindar as it existed in former times, being wanting to bring forth these aids into active exertion; while the *darogahs* who are represented as insulated individuals, are in their respective divisions, viewed with fear by some with jealousy by others, and neglected by most of the inhabitants, possess not that personal consideration in the public mind, so necessary to aid them, in the efficient performance of their duty.

If the foregoing comparison be just, it must appear that the former establishments were more ample and better constituted for the purposes of Police, than those which have since been introduced had their services been actively put forth and properly directed; but the enquiries made by Lord Cornwallis, induced him to believe, that the zemindars had misapplied the authority confided to them, as officers of Police; and that the union of the functions of revenue and Police, in the same person, was a radical error, from which the evils prevailing in the latter department, had in a great measure sprung. His lordship accordingly proceeded in the matter detailed in a former part of this report, to change the system which existed, and to introduce a Police entrusted under the European Magistrates, to native officers, named *darogahs*, selected for the purpose, and maintained on fixed salaries. The defectiveness of this system of Police, is explicitly acknowledged in the preamble to Regulation XII, of the year 1807, which states "that the Police establishments maintained by Government in several districts of Bengal, Bahar and Orissa, had been found insufficient for the purposes of their appointment." Amendments had before this period, been made to the Police rules; and additional means devised for the suppression of crimes, by rendering the punishment of them more exemplary and severe. Public outrages nevertheless increased, more especially in the Bengal provinces; and the Government at length, deemed it expedient to introduce the above regulation; for the purpose of granting to the zemindars, *Tashildars*, farmers of land and any other principal inhabitants who might be deemed qualified for the trust, authority to act as *aumeens* or Commissioners of Police.

The *Aumeens* of Police are, under this regulation, appointed by a *sunnud*, or Commission from the Magistrate, with the approbation of the Governor-General in Council. Their authority is concurrent with that of the Police *darogah*, for the suppression of crimes, and the apprehension of public offenders; and for these purposes, the rules for the conduct of both are the same; but the *Aumeens* are restricted from taking any cognizance of those petty offences and disputes, which the latter is allowed to enquire into and adjust. The *Aumeen* is required to deliver over his prisoners to the *darogah* of the

district or division in which he resides; instead of sending them, as the darogah does, direct to the Magistrate.

Thus it appears the Government have found it necessary to recur to the practice, which, in 1792, was so much disapproved; namely, of combining, in any case, the functions of revenue and Police; and have again called forth the exercise of those powers, which the landholders, native Collectors of the revenue, and other respectable inhabitants possess, for the protection of the people, and the apprehension of public offenders.

Of the propriety of this principle no doubt can be entertained; the most intelligent reports of the judicial servants, for some years previously, having represented the agency of the land-holders, as essential to a salutary improvement in the Police, though there is reason to regret that the situation of things has so much changed since the zemindars were deprived of the authority thus restored to them, as to have afforded less promise of success from the measure, than might have been otherwise expected. The dismemberment of the principal zemindaries, by the sale of land, to realize arrears of revenue, and the separation of talook, or small estates (noticed in a former part of this report) have reduced the efficient influence of the land-holders, who, for the greater part, approach nearer now, than they did formerly, to the condition of mere cultivators. The dismissal of the zemindary pykes, and of the establishment formerly maintained for the collection of the sayer duties, have contributed to the same end. It may therefore appear doubtful, whether it would now be practicable in Bengal, to restore the efficiency of the old system of Police, were it even in the view of the Government, to attempt it; or whether, if restored, it would answer any useful purpose, clogged with the numerous and complicated rules and restrictions under which the zemindar would now be required to officiate. It indeed appears, that the regulation already referred to, as enacted in the year 1807, has since been rescinded, as far as it related to the appointment of Aumeens of Police, by Regulation VI of 1810. That the state of the Police, in the lower provinces, in regard to decoity, had not experienced any amendment, under the operation of the first-mentioned regulation; appears from the following passage of a letter, addressed by the Governor-General to the Court of Directors, of a date so recent as the 29th May 1810, describing the state of the Police as it was in the Bengal districts, a little before that period. "The evidence lately adduced, exclusive of a multiplicity of other proofs, establishes, beyond a question, the Commission of robberies, murder, and the most atrocious, deliberate cruelties: in a word, an aggregate of the most atrocious crimes; nor let it be supposed, that these offences were of rare occurrence, or confined to particular districts; they were committed with few exceptions, and with slight modifications of atrocity, in every part of Bengal."

The letter from which this extract is taken, was written to justify certain measures, which it had been judged necessary to resort to, for the purpose of restraining and preventing these evils, and which had been arraigned by Mr. Ernest, one of the Magistrates, as objectionable, and as being calculated to introduce greater mischiefs among the people, than the evil which it was to remove. The despatches which have more recently been received relative to this discussion, appear of considerable interest; not so much on account of the subject to which they specially relate, which had been set at rest by the submission of the Magistrate afterwards made Judge of Circuit, who, having apologized for the warmth or disrespect of his expressions, was restored to his office, as from the information which they afford respecting the actual state of the Police in the provinces under the Presidency of Bengal.

The information to which the Committee more particularly allude, is contained in a Report on the state of the Police, with suggestions for its improvement, by the Secretary to the Government in the Judicial Department, entered on the Consultations of Government of the 29th September 1809. This document is particularly intended for the consideration of the authorities in this country: the writer observes, that were this report "intended solely for the consideration of the local Government in India, it would be superfluous to enter into details regarding the inefficiency of the Police, as unhappily occasions have too frequently arisen, to arrest their attention on this important subject; but as the arrangements suggested, may possibly attract the attention of the Honourable the Court of Directors to whom these evils may not be so familiar, a brief exposition of them must be deemed a necessary introduction to any plan which may be suggested for the general improvement of the Police."

In this report, are detailed the cruelties suffered by the inhabitants in the districts for the most part round the seat of Government, from decoits or gang-robbers, and the total inefficiency of the Police, as it then stood, to suppress or restrain them; and it is endeavoured to justify the measures recently introduced, and to propose others, with the view of removing the evils complained of. In illustration of the cruelties commonly practised by the robbers, the evidence on some late trials is given, and the general prevalence of those cruelties, is proved by a reference to the reports of the Circuit Judges, transmitted from different parts of the country. It is observed moreover, that though the evils in question "were in some instances to be ascribed to the supineness of the Local Magistrates, they were much more generally imputable, to the defects of the existing system."

The Committee cannot forbear expressing their surprise, at the statement made in Mr. Secretary Dowdeswell's report, that the Government were not enabled to discover in a shorter period than that alluded to, what is now unequivocally acknowledged on their proceedings, namely, "that the existing system of Police had entirely failed in its object. Though the letters from the Bengal Government to the Directors, down to April 1806, represent the commission of crimes, particularly perjury, to be increasing rather than

the contrary, there is nothing said to excite any particular apprehension for the security of person and property enjoyed by the natives under the British Government, or to create any doubt in regard to the new system of Police, having secured to the natives the benefits which were intended for them, by its introduction.

It is therefore, with the greater concern that the Committee find, in the recent despatch, so strong a manifestation of the great inadequacy which has been experienced of the establishments introduced in 1793, for the protection of the people from public robbers, and the ascendancy acquired by decoits in the provinces surrounding the seat of Government.

It is stated in the report in question, that "the principal cause why the measures hitherto adopted for the protection of the people against robbery by open violence, have been ineffectual, is, the very defective information which Government, and the principal authorities under Government, possessed respecting the actual state of the Police."—"The defect here noticed (says the writer of the report) may arise, either from the very imperfect information which the local Magistrates themselves possess, respecting the state of the Police, or from an ill-judged, but not an unnatural solicitude, to represent the districts in the most favourable state possible." Your Committee must here express their opinion of the dangerous tendency of indulgence in the disposition alluded to, of representing districts or things to be in a more favourable state, than they really are; as this may lead first, to a postponement of the communication of unpleasant circumstances; next, to the suppression of information; and, finally, to the misrepresentation of facts. In the present instance, the Committee have adverted to the information actually before the Government and the Nizamut Adawlut, for some years prior to the date of the report above quoted; and it appears to them that the reports of the Circuit Judges, made through the Nizamut Adawlut to the Government, at the conclusion of each session, evinced the prevalence of gang robbery, not only in a degree sufficient to attract the notice of the Government, but to call forth its endeavours to suppress it.

Its endeavours, from 1801 down to the period in question, for the improvement of the Police, and for the suppression of gang robbery, appear in the new regulations, and in modifications of those already in force. The general object of these enactments, was to render the criminal law more severe, and the officers of Police more vigilant; and, as has been also before stated, to call in the aid of the land-holders and other principal inhabitants, for the protection of the people against decoits, and other depredators. But notwithstanding these measures, the disorders which they were intended to subdue still increased; and towards the end of 1807, had acquired such a degree of strength, as to oblige the Government to resort to measures, much more forcible than had hitherto been tried, for the deliverance of the country from this growing and intolerable evil.

It does not therefore appear to have been, from any want of information in regard to the imperfect state of the Police, that the Government was unable to prevent its becoming worse; but rather, as your Committee should suppose, from the difficulties which presented themselves to the application of an efficacious remedy.

The measures above referred to, are those which appear to have been commenced in 1808, with regulation the tenth of that year "for the appointment of a Superintendent of Police, and for defining his jurisdiction and authority." The preamble of the regulation states, that "by concentrating information obtainable from different parts of the country in a particular office at the presidency, a successful plan of operations might be devised and executed when the efforts of the Local Police Officers would be unavailing;" and that measures conducive to the discovery and seizure of the gangs of decoits, which still continued to infest many of the districts in the Province of Bengal, "might especially be promoted, by the appointment of a Superintendent of Police." A power was accordingly vested in this officer, to act in concert with the zillah and city Magistrates, or independently of them, for the detection and apprehension of persons charged with, or suspected of decoity and other offences. His warrant or other process was, as he might determine, to be executed, either by his own officers, or through those of the local authorities. The Government, moreover upon the present occasion, deeming the urgency of the case to justify the measure, resolved to countenance the regular organisation and official employment of public informers, for the purpose of discovering the haunts, and pointing out the persons of the most notorious of the decoits, or of any of their associates. The circumstances which led to this step, was the successful co-operation which had been afforded by one of the Calcutta Magistrates, acting as Joint Magistrate with the Magistrate of Nuddea, in freeing or endeavouring to free, that district from decoits. Mr. Blacquiere, who had resided in Bengal from his earliest years, possessed a perfect knowledge of the language and the manners of the natives, had recommended himself so far to the Government by this service, that although he was not a covenanted servant of the Company, it was determined to vest him with the powers of the Magistrate in such other districts, as, like Nuddea, had been overrun with decoits. The mode in which Mr. Blacquiere proceeded was, by the employment of *goyendas*, or spies and informers: some of whom, having themselves been principal robbers, it was understood would be particularly expert in detecting others who were still acting in that capacity. To these were added the services of *girdawars* or Overseers, or Superintendents. The spies were to point out the robbers, and the Overseers were to apprehend them.

As the employment of these Agents, in the manner thus sanctioned, has given rise to much discussion between the Government and some of the judicial officers, on the merit and success of this expedient, the Committee think it may be proper to state the information on these points, which the latest advices from the Bengal Presidency afford. The following account of the origin and employment of *goyendas* is taken from a Minute.

recorded on the 24th November 1810, by one of the members of the Government, who was an advocate for the measure, and desirous of shewing that the employment of *goyendas* was not new in the Police of Bengal:

"—Under no arrangement hitherto tried, has the efficiency of the Police, been independent of the agency of informers and spies. Pecuniary rewards for detecting and bringing to justice decoits and other offenders, were offered as early as 1772, when the serious attention of the Government was first drawn to the alarming prevalence of the horrid offence of decoity. But without going further back than the period when the regulations of the Government began to assume generally the form, which they have since retained, the offer of a specific reward of ten rupees for every decoit, payable on the conviction of the offender, was authorized in 1792, and continued to be payable in the same mode, until recently modified in pursuance of the arrangements, which we resolved to adopt two years ago, for the reform of the Police."

"Under the encouragement of head money offered by the Regulations of 1792 above quoted, the profession of a *goyenda* first took its rise, and speedily spread itself over the country. The subsequent introduction of Police tannahs had no tendency to check the employment, or control their proceedings. Every tannah soon had its set of *goyendas* plying for occupation, with the avowed countenance and support of the darogah, who shared with them the head money for decoits, convicted on evidence marshalled by them; and the specious offers of professed *goyendas* occasionally induced incautious Magistrates to entrust them with general warrants and indefinite Commissions, for the apprehension of criminals, in places particularly infested by robbers, or sometimes, in consequence of the preparation of a peculiarly heinous decoity.—That abuses have been practised by *goyendas* or informers, but still more by *girdwars*, or those entrusted with power to apprehend, is unquestionable. Seeking a livelihood by the profession in which they had engaged, but not always able to procure it, by the slow means of the detection of crimes and proof of guilt, they have no doubt resorted but too often to various modes of extortion; sometimes, from persons of suspected character, and at other times, from the honest part of the community, under threats of accusation; and have occasionally proceeded to prefer groundless "charges, and even to support them by false evidence; and instances have actually occurred, where there has been too much reason to believe, that the *goyenda* himself devised the robbery, of which he convicted the unhappy wretches reduced by his arts, to a participation in the crime."

There can be little doubt of the existence of spies, wherever the laws hold out rewards to informers; and the increase of this class of people in Bengal, is satisfactorily traced to the pecuniary reward offered for every decoit, who might be convicted on information brought before the Magistrate. The bad practices used by *goyendas*, your Committee find noticed strongly in the answer to the interrogatories circulated in 1801; but the abolition or rather the modification of the head money, for decoits, was not effected until 1810. There must consequently have been a wide field for the *goyendas* to move in, from their first appearance (according to the foregoing Minute) in 1792, until the period referred to in 1810, where the modification of the reward, or head money, considerably narrowed the ground on which they had been accustomed to practise their atrocities.

The proceedings of the Courts of justice, and the reports of the Judges of (Circuits furnish a strong confirmation of what has been stated with respect to the unprincipled practices of that description of people, and of the evils resulting from a combination between them and the darogahs or head Police officers, for the purpose, as stated in the foregoing Minute, "of sharing with them the head money for decoits."

The employment of persons of the above description, as instruments of Police might appear to require explanation, more especially as it has been objected to, by some of the most experienced servants in the Judicial Department. In the correspondence last received from Bengal, the reasons are adduced, which dictated the expediency of employing those persons under the Police; and they are as follow: 1st, The necessity which arose for the adoption of some strong measure, to check or suppress the outrages committed by decoits, which had long been prevalent; and on a sudden, had acquired a most alarming height in those districts particularly, which were most adjacent to the seat of Government. 2nd, The good state of the Police within the limits of the town of Calcutta, where *goyendas* had been employed by the Magistrates, and particularly under the direction of Mr. Blaquiere. 3rd, The benefit experienced in the district of Nuddea, from the employment of Mr. Blaquiere with *goyendas*, for the discovery and seizure of decoits, which suggested the employment for the same means, more extensively. 4th, The rules under which *goyendas* were directed to be employed, which prohibited their receiving general warrants, and restricted them to the employment of pointing out persons accused of crimes, to the *girdwars*, or officers, who attended to apprehend them.

The institution of the new office of Superintendent of Police, and the extension of Mr. Blaquiere's functions, with authority to employ *goyendas*, is represented to have been attended with early success, in the discovery and apprehension of many gangs of decoits, and the seizure of some of their most notorious sirdars, or leaders; one of them at the distance of 500 miles from the part of the country from which he fled to avoid detection. But the satisfaction which this must have afforded the Government, underwent probably some abatement, on the discovery which was made, that some of the *goyendas* thus employed, had in concert with the *girdwars*, actually been committing depredations on the peaceable inhabitants, of the same nature as those practised by the decoits, whom they were employed to suppress. These persons were convicted before

the Court of Circuit; and suffered the punishment due to their crimes. The Government admit, that there were probably more of these enormities committed by these instruments of Police, than had come to light; but they nevertheless deemed it expedient, that the smaller evil should be endured, rather than the agency of goyendas, in freeing the country of decoits, should be relinquished.

The Court of Directors, it may be presumed, will be anxious to learn the issue of these measures, under the great solicitude they must feel, for their proving ultimately successful in the object of their introduction. What has appeared in the latest intelligence on this subject, affords assurance, that after about two years' experience of the efficacy of the new measures, decoity or gang robbery, had met with a check; and had been reported by some of the Circuit Judges, to have happened less frequently in most, and to have ceased in some, of the Bengal districts, where antecedently it had prevailed, in the greatest degree. It is earnestly to be hoped, that these assurances may be confirmed by experience.

CHAPTER VII.

1813 to 1837.

The Governor-General, Lord Moira (afterwards Marquess of Hastings), shortly after his arrival in India, held a thorough enquiry into the efficiency of the system of thanadari police introduced by Lord Cornwallis. Lord Moira called for reports from the Magistrates of the different districts of Bengal, Bihar and Orissa, and after a careful personal study of these, he recorded a minute, dated the 2nd October 1815, in which he gives his views on the whole judicial administration. The minute is particularly interesting as Lord Moira considers minutely the question of co-operation between the police and the people. The sections of the minute dealing with the police administration are given below :—

Extract from the Minute by the Right Honourable the Governor-General on the judicial administration of the Presidency of Fort William, dated the 2nd October 1815.

* * * * *

16. Whether the (thanadari) institution has proved successful as well as whether the necessity of its permanent maintenance still exists are points which we have now to determine. If it be supposed to have been one of the objects in the contemplation of the Government from the formation of these establishments to have furnished a force adequate to the protection of the community, and capable of undertaking the prevention of crime by its own vigilance, in this respect, the institution must be admitted to have failed. The hired force of a thana is totally insufficient for such purposes. Even in its collective strength it could scarcely venture to resist or pursue a gang of armed robbers and it is numerically inadequate to give individual protection against common theft and burglary beyond its own immediate station.

17. But it may be safely asserted that no Government ever did or ever can defray the whole expense of a preventive police to this extent: much gratuitous aid, direct or indirect, is afforded in every country. A preventive police must depend not only on the skill and vigilance as well as promptitude with which the stipendiary force of the State is directed but also on the energy of individuals in their respective stations of life—the hired arm of the police must necessarily be limited both in its extent and effect. Its principal support must come from society itself; and the opportunity should not be missed of observing that hitherto in this country it has had no such aid.

18. I can, however, discover no sufficient reason to presume that protection or prevention by the supplying of an adequate guard was an object in the introduction of the thanadaree system. It appears to me to have been devised exclusively with the views of strengthening the arm of the Magistrate, and of introducing an efficient control over the police of the interior, by which that duty was to be performed. The landholders had hitherto been entrusted with this control, and undoubtedly if an individual estate could be regarded abstractedly from its connection with any other, the propriety of leaving the care of the peace to those whose station gave them influence and whose interest would insure a due attention to its preservation, would be a different question, and might perhaps be advisable. But every estate is surrounded by others, and this contiguity gives rise to jealousies and conflicting interests which, unless there is a strong and vigilant control to keep them down, must soon engender a confusion, sufficient to baffle every unsupported effort of a Magistrate to unravel.

19. The landlord of wealth and influence requires no authority from Government to enable him to protect himself and to prevent, if willing, the commission of dacoity by his own tenantry. He might even be expected to exert himself to restrain them generally from preying on each other. In these respects, therefore, nothing perhaps would either be lost or gained by investing him with special powers; but which we could have no security that the delegation of such authority to the zemindar would induce a greater activity in preventing his tenantry from plundering the inhabitants of neighbouring estates, we might confidently anticipate the frequent misapplication of it to purposes of private revenge. There can be little doubt; that under the system which left to the landholders the management of their own police, its powers had been almost universally perverted in this manner. On that account, the thanadaree system was devised. It was the object of that system to disarm them of those powers and to vest the control in the hands of stipendiary officers of Government, free from all those passions and feeling which had bred the confusion, but it was only the controlling portion of the former system which was then supplanted. The former village institutions of watch and patrol were left untouched, save that they were made subservient to the thanadars and a portion of their support committed from land into money payment. It was to these, therefore, that that community was still to look for its immediate protection and our Government only undertook to see that they did their duty in that respect. The question of the success or failure of the thanadaree system resolves itself therefore into the following

points:—Has it broken that spirit of violence and disposition to take the law into their own hands, which existed on its introduction in every class possessing influence throughout the country, and has it established a more effectual control or otherwise improved the previous institutions for the protection of the community.

20. A reference to the present state of all the Bengal zillahs will perhaps satisfactorily answer the first question—chicanery and litigiousness appear almost universally to have taken the place of violence, and though the state of the Nudera and some other districts at so late a period after the introduction of this system as even the year 1808 might then have almost justified a conclusion that it had altogether failed; still these disorders may be traced to other causes than defects in the system and the present improved state of those districts effected merely by the means and agency the plan yielded, combined with the previous general amelioration of the state of other districts, affords a satisfactory proof of the degree in which the system has been efficacious, and shows that it was originally well calculated to effect the object for which it was principally devised. I must confess that I consider it one of the main springs of the present strength of our Government and one of the chief causes why insurrection has been so totally unknown, notwithstanding the frequent recourse that has been had to many very unpopular measures. In the several districts of Bengal Military aid is at present hardly ever called for to help the civil powers, and as far as I have yet been able to observe, I really believe this is greatly owing to the effects of the thanadaree system.

21. Though, therefore, it may be objected to this system, that it was a sudden and violent innovation on all existing institutions instead of a cautious and gradual improvement of them, I cannot but believe that such an innovation was necessary to the support of your Government with which, as it did not arise out of the society, the institutions of the society could hardly have been amalgamated. I should accordingly feel inclined strongly to recommend its maintenance in preference to any other that has been yet suggested, not only in Bengal but in the western provinces also. In these, indeed, I conceive the system to be yet more necessary in order to give effect to the Magistrate's authority, render the power of our Government active and omnipresent, and to wean the population from those habits and notions prejudicial to the peace and well-being of society which they imbibed under the weakness of former rulers. In all native Governments the frequent detachment of a military force to every quarter of their territory is indispensable to keep the country to subjection and annually to collect its revenues. Our Government experienced at first the same necessity until the introduction of this system, but from that moment the calls for military aid to enforce obedience to the laws have been gradually diminishing. The thanadar and his establishment are always perfectly informed of everything that is passing, are at hand to interpose everywhere the authority of Government and to bring its powers immediately before the eyes of the discontented or disaffected before a systematic opposition can be organized; and though he can effect little or nothing by direct force, still the certainty that the support behind him is unlimited in extent, must always insure to a thanadar respect and obedience as long as he keeps within the line of his duty. The control too of the Magistrate is ever ready to confine him to this, and to punish any abuse of power; nor is there anything to restrain the community from bringing such transgressions to his notice whenever cases may occur—as far, therefore, as it was desirable, to destroy the spirit of violence which subsisted, so far has the thanadaree system been productive of essential benefit to the country, and from what I have yet observed this object has been effected with as little harshness or injury to the community as was possible. Its efficiency, however, has been found to extend beyond the immediate enforcement of the authority of Government. It is fully equal to the effectual performance of all the duties of police which follow the actual perpetration of a crime. In its investigation and in the apprehension of the offenders, it must be acknowledged where the Magistrate's control is able and active, to fall very little short of the best organized systems of Europe. To whatever duties indeed a stipendiary police has in any country been found equal it may safely be asserted that the thanadaree system will not have failed in their performance. Its officers have every incitement to activity which exists in similar establishments elsewhere, while the checks against supineness are perhaps superior; the same exclusive notions of profession prevail among them and they have all the most thorough conviction that their continuance in office and means of livelihood depend upon the satisfaction they may give to their superiors in the discharge of the duties entrusted to them.

22. As far indeed as my observation has yet gone I have seen reason to be perfectly satisfied with the efficiency of the thanadaree system in itself. It remains to be enquired what effect it has had upon the existing police institutions of the country and upon the community at large.

23. I have before stated that it was a feature of the thanadaree system that the native village institutions were placed under its immediate control—the first question therefore is, has this control produced amongst these institutions a greater degree of vigilance and activity.

24. It appears to be a general complaint amongst the Magistrates both of the upper and lower provinces, that the village establishments furnish at present even an inefficient class of officers and they trace this inefficiency to the double capacity in which those individuals serve. That complex character involves a subordination to two authorities to the established police in matters of that description and to the zemindar or his local representative in matters of revenue. The Magistrates complain that as

they cannot obtain the cordial co-operation of the zemindar, they have but little command over the village police, the officers of which necessarily look up more directly to the person who pays them than to the Government or its officers from whom they receive no wages.

25. If the Magistrates are expected to have the same authority over the village as over the stipendiary police if they thought that the zemindars would from public spirit co-operate with them in establishing such an authority over the village institutions, I must confess that I think they expected too much more even than it was natural from the constitution of the system they should have.

26. It would have been unreasonable to look from the landholders for a cordial disposition to further a system the immediate effect of which was to supplant their own police authority. They would naturally regard it as a sudden and violent innovation to the prejudice of their rights and consequence in the society and must necessarily have felt a jealousy towards its officers which would give birth to at least a supine indifference if not an active disposition to counteract their efforts for the improvement of the police.

27. In this view there is wisdom in the provisions of the legislative enactments of 1792 and 1793 which, in depriving the landholders of any police authority, required from them only a negative conduct leaving them to wear off their jealousy in neutral inactivity and trusting to the gradually increasing influence of the judicial officers for securing a more effective because more willing co-operation than a legislative enactment would obtain. I am indeed not quite satisfied of the expediency of several attempts which have been subsequently made to coerce this co-operation, for I should fear such might have a tendency to exasperate the jealousy that must in the first instance have disjoined the landed interest from the regular police.

28. The systems as originally devised exacted no co-operation from zemindars. It took from them the power of police, declared its own authority paramount over servants hitherto exclusively theirs and seemed to consider itself above the necessity of resorting to the aid of their influence to establish every requisite control over the motusul village institutions. Government indeed had in its own hands, powerful means of controlling such institutions, nor were there any considerations to restrain the full exercise of them. The village police consisted of special officers who had a special duty to perform, for which they would be held responsible; they were to be taught that inactivity would not pass with impunity and that collusion or even a disposition to withhold the most active assistance from the regular police would intalibly entail punishment—an efficient and watchful control was set over their conduct and the law enabled the proper authorities to enforce it by arming them with the power of punishing neglect even with severity.

29. It was not therefore necessary to solicit the co-operation of this class, their assistance could be secured by compulsion, and although this assistance being constrained might be in some respects defective, yet it was apparently all that the system originally admitted of and perhaps all that the essential objects of it required.

30. There can be little doubt that the village police controlled upon these principles has been the main engine of the success which has attended the thanadaree system in putting down great crimes. It is from its officers that all information of the character of individuals of the haunts and intentions of robbers and of everything necessary to forward the objects of the police must ordinarily be obtained. They are the watch and patrol to which the community looks for its immediate protection, while their station in society, general communion of caste with one another, and every circumstance of their situation, furnish means of being useful, nor is there anything wanting but an active superintendence to keep them to their duty by uniting it with their interest.

31. This has been afforded by the system as it stands—whenever a dacoity or other heinous crime occurs in a village the darogah's duty calls him immediately to the spot and he goes there with only a few burkundazes and with no information except of the occurrence of the crime. His only mode of proceeding is to collect the watchmen of all the neighbouring villages and to question them as to all the circumstances, with a view to get from them that information which they only can afford. The activity of these in ascertaining and pointing out the perpetrators is quickened by the fear of being suspected of connivance or at least of being dismissed and stigmatised as inactive or incapable. There is the control which by the influence of the fear of punishment ensures activity and forces from the village police the most effectual aid in the performance of all those duties which follow the perpetration of a crime. But the fear of this heavy responsibility makes it as much their interest to be vigilant with a view to prevention—whenever indeed this fear ceases to operate, whenever the control may become lax, the district will soon fall out of order and the village choksedars will generally be the leaders in the confusion. They can only be restrained by the certainty that they will be the first that are called to account.

32. It was by the instrumentality of a control fashioned on these principles that the existing important benefits have been acquired for the country in the suppression of all the most crying offences by which its peace had been so long disturbed.

33. There has yet been but little co-operation from the class of landholders; for the inert neutrality enjoined them cannot be regarded as support. Indeed at the present day the want of co-operation, notwithstanding the many attempts subsequently made to obtain it, is matter of universal complaint.

34. If then the system of control by fear of punishment has shown itself equal to the accomplishment of all the most essential objects which Government had in view in introducing it, whence arises this general notion of the inefficiency of our system as far as the native police institutions which we found in being, form a part of it?

35. It arises from our having already reached that stage of improvement beyond which it is impossible to advance without assistance in the general concurrence of society.

36. Hence the constant disappointment of all the efforts of our judicial officers to push their improvements further by the same means. A zealous and intelligent Magistrate may suppress dacoity, destroy or disperse gangs of robbers, however desperate and firmly rooted in the country, he may prevent affrays and every violence which materially disturbs the public peace, but if he attempt to carry his improvements further, his efforts fail, and though he perhaps justly attributes the failure to the inefficiency of his means, it is not so much from the want of physical strength in the establishments as because his instruments are not of a nature calculated to excite society to a general co-operation with him.

37. Every judicial officer appears more or less to have felt that his efforts to go beyond what has been reached have not proved successful. Most of them attribute the failure to the impossibility of exciting those possessing influence in society to a cordial union of exertion with themselves for the furtherance of objects connected with the public good; but in the mode of accounting for this circumstance and in the suggestions and propositions to which their feeling has given rise there is, as might have been expected, a considerable variety of opinion. Some conceive our police establishments to be inefficient in force and number; others attribute every defect to our inability to make those who should lead the society shake off their supineness and indifference. The greater number of judicial officers indeed seem to be for extending the Magistrate's power over all the institutions of police in being; they are for substituting others; or new modelling those existing, so that they may acknowledge subordination to no other authority but the Magistrate; others are for readmitting the leaders of society to a share of the responsibility and authority of police in order to secure the co-operation required; and some are for coercing the co-operation by penalties attached to omission without yielding any share of the power or responsibility.

38. The extension of the chokeedaree system or subsidiary police lately introduced into cities and into the sudder stations of zillas to the villages generally is the form in which the new modelling of existing institutions is usually proposed.

39. The principles on which this addition to our police establishments have been devised are simple and apparently judicious. It is right that the society should provide for its own internal protection in minor cases beyond what can be provided for by Government from the general resources of the State. And wherever the society may not of itself have already devised a plan for this purpose, Government are of course justified in coming forward to require that it should do so, as well as in pointing out the form in which the object can be accomplished.

40. In cities and sudder zilla stations in which alone the chokeedaree system has yet been introduced, there were found no institutions for its protection previously existing in the society, the Government called therefore upon the society to provide for that further and more minute internal protection which the general institutions could not afford and ordered its members to elect from amongst themselves a certain number of managers with an establishment of watch and patrols sufficient to provide for these objects. The most equal and proper mode of defraying the expense was also suggested by Government in the shape of a cess upon each house, varying in amount according to its style, the whole to be arranged and levied by the delegates of the society. Such is the subsidiary police establishment to which I before alluded. It is obviously an institution which, if not abused, yields the promise of great benefit to the society. And though on its first introduction it has been rather unpopular, as I myself witnessed in the course of my tour, it may be presumed that this dislike to it must wear off when its object is more thoroughly known and its benefits have been longer experienced. There can be no doubt also that its introduction, so speedily after the abandonment of the house tax which in some respects it resembles, must have very largely contributed to the prejudice against it. On the whole, therefore, I can at present see no grounds on which the propriety of this measure can be fairly questioned, and I conceive the cities to have no right to complain against it unless they can make it appear that the institution was not required in correction of any prevalent inconvenience. If it be only said that the establishment is sometimes more burthensome than necessary from the plan having been in the first instance occasionally overdone in its execution, the argument will not affect the general grounds or propriety of the measure, and, like an objection derived from occasional inequality of cess, will be removed by the gradual operation of time and of increased experience. I must confess, however, that I feel an unwillingness to listen to suggestions for the general diffusion of a system of this nature over the small towns and villages in which, or at least in the later of which, it would have to supplant already existing institutions. These institutions are certainly objectionable, inasmuch as their functionaries have at present a double duty, serve several masters, and are only so far subject to the Magistrates or other police authorities as the fear of punishment attaching vaguely, can render them. I have my doubts, however, of the propriety of making such institutions

exclusively the servants of the Government in the shape of police officers subject only to the Magistrate.

41. Constituted as the village community usually is at present the chokeedars are servants of the community and as well from caste as from custom occupy the lowest station there. Paeeks, goraets and dhuneks are not exclusively servants of the zemindars. Besides the trifling allowance they receive for the performance of their duties, which are chiefly distinct from police, they are paid for the protection they afford the society by an almost discretionary contribution from the villagers partly in land, partly in grain at the time of harvest, and partly in yearly or monthly presents in money from residents of a certain degree. It is the interest therefore of these functionaries to secure the goodwill of the community they may belong to. Indeed, wherever from the laxity of the general control exercised over them they may have taken to practices destructive to the general peace, it will always be found that the scene of their crimes is not their own place of residence nor will their own community have been in any way the sufferers.

42. Should, however, a class of officers be introduced in the place of these individuals calling themselves public servants or noukars of the Sircar instead of being the servants of the community, they would be masters of the latter and an authority would be established pregnant with the most odious tyranny.

43. I am aware that the chokeedaree system is constituted on the principle that it should arise out of the society and be subservient to it through the persons of its delegates: undoubtedly in cities where the population is usually of a better stamp and persons have a more perfect acquaintance with the principles of our Government where those also possessing influence in society have commonly a ready access to the Magistrate either directly or indirectly. The chokeedaree establishments would find it impossible to assume a power beyond what might have been contemplated in their formation. The case, however, would be otherwise in villages at a distance from the controlling eye of the Magistrate and among people debarred access to him, ignorant of the motives which guide his actions and unable to comprehend the principles which regulate his conduct. In such Committees the chokeedars might, with the managing Committee at their head, conspire against the rest of the inhabitants and having in their hands the management of air assessment and the legal power of enforcing it, might eventually become extortioners and oppressors.

44. I must confess I see reason to fear that it will be impossible to devise appointments which, away from the immediate control of European officers, would still be subservient to the legitimate authority of the community. We cannot establish generally a system of free election and representation—whatever establishment might be introduced there must be a gradation of service to official superiors, the whole looking up only to Government for their common master; thus each subordinate authority would expect to be supported on his own representation while the complaints of those unconnected with the whole were listened to with suspicion and distrust.

45. In this view I do not consider it to be desirable that any reform of the village institutions should be attempted with the object of making them servants of Government and exclusively subordinate to the Magistrate. I should fear too, that in villages at a distance from the Magistrates, even the subsidiary chokeedaree system would degenerate into one of this description and become at least independent of the community. Indeed I will almost go so far as to say that I see little objection to the institutions continuing as they are, since by that means their dependence on the society can best be secured. They have to be sure at present, as already remarked, two distinct duties and many masters, but as the establishments are less burthensome to the community in consequence and as in any other case you could not ensure them wages sufficient to afford an independent maintenance without a direct tax (which they would themselves perhaps have to collect) even this may not be without its advantages.

46. But if the village police institutions are to continue to serve the landholders and to perform revenue duties as well as those of police, the Magistrate will never be able to get from them more than such constrained service as the fear of punishment might enforce, and how are any further improvements of police or of the moral state of society to be effected? Certainly in my opinion not by imposing new establishments on the society with which they cannot amalgamate. As far as force can effect the object, it may be done by the system as it stands. Whatever cannot be accomplished by those means of control a Magistrate at present possesses can only be done by the society. We must therefore look to obtaining its co-operation by other means than by further strengthening or rendering independent our establishment, for it is not through them that society is to be moved.

47. If it be an object with us to win the community to our interests, it must be obvious that the most simple mode in which this can be effected is to gain over those who possess influence in society, and as far as the zemindars or landed interest are in this description so far is their co-operation most desirable, and so far they are the class we should first try to gain.

48. I have before hinted that I entertained doubts whether the co-operation of this class was to be acquired by coercive measures. Indeed it would, on general principles, argue ignorance of human nature to suppose it. It is said, however, that the higher orders of society in this country have uniformly evinced that want of public spirit and that indifference to the promotion of the general good which has left us at present with no other instrument than coercion for working on the community, and in this view

additional penalties have been proposed besides a further responsibility to the Magistrate still without giving to the landholders any powers of police control. I am not an advocate for any plan of this nature. I conceive that under the existing constitution of our system, a Magistrate possesses abundant power of annoyance, in so much that where a landholder may be thought to have failed in yielding the support or co-operation required, it would be difficult to draw the line beyond which he could not be made to suffer. He is liable both in person and property to a considerable extent, but he is yet further liable to suffer in character and consequence from the indignities which a Magistrate has it in his power to heap upon him without passing the limit of his authority.

49. Nothing I am satisfied would be gained by arming Magistrates with further powers of infliction or the imposition of further legislative penalties on the class of landholders. Even the obligation to make good value of property stolen on their estates, although the most moderate additional responsibility suggested and although sanctioned by the former established usage of the country, appears to me obviously unjust. A zemindar held to be so answerable would frequently be punished for an act in which he would not be surmised to have participated and against which no human prudence could provide. At the same time the penalty in extent would be unlimited and undefinable and he would receive no compensation whatever for the risk. In short, under such a provision there would be no possibility of proportioning the penalty to the degree of neglect or to the means of prevention which the zemindar might possess.

50. As far indeed as the present state of my enquiries enables me to form a judgment, I must confess myself decidedly of opinion that nothing can be done by further coercion in any shape; nor am I disposed to admit the belief that this is our only instrument for working on the native society, in order to obtain its co-operation. We must suppose that mankind are influenced in this country by the same passions and feelings which actuate their conduct elsewhere. They are to be excited therefore by similar means to the pursuit of similar objects. It is not only from an abstract sense of the propriety of a given line of conduct that men are led to its pursuit in preference to any other. If there exist in Europe a more general disposition to forward measures having the general good for their object than has yet been experienced here, it may as much be attributed to the superior inducements individuals have to actuate to such a course in Europe as to any radical want of virtue in the society of this country. Public spirit is in itself only a mixed or even a secondary motive to which individuals are led as much from a knowledge that it has its merit with the public and yields distinction in society as from the purely virtuous sense of duty. The love of distinction must surely exist as strongly amongst natives of this country as it is known to do elsewhere, and there is no reason why it should not be made to have as much influence on their actions.

51. Only, therefore, let disinterested efforts to improve the moral condition of society not be without their reward and the spirit to afford them will not be wanting. I am indeed clearly of opinion that if it be an object with our Government to obtain the co-operation of society, we can only do so by rendering such a course, the obvious road through which its leading members may hope to arrive at distinction or at least to obtain some advantages, gratifying to their ambition or vanity. If our system has hitherto failed in obtaining co-operation, it has only been from its not having yet been a part of it to attempt this mode of accomplishing the object.

52. Our Government has had frequent occasions to be sensible that it has itself experienced men from the class of landholders a disposition to afford the most active and zealous support, to submit to sacrifices and even to risk life in its service whenever adequate occasion has required it and whenever the individuals have felt convinced that such a line of conduct would not be without an acknowledgment of its merit with us. With the whole power and influence of Government at command, our means of gratifying their ambition and vanity are unlimited; so that wherever such conduct has come to our notice, it has always been amply rewarded: and it is in consequence of the hope of obtaining similar flattering remunerations excited by former examples of our gratitude that on every occasion of foreign invasion or even of alarm there will always be found even in the race of landholders, which appears to be almost universally described as wanting in public spirit, individuals who seek to deserve well of us by their activity and voluntary exertions.

53. On such occasions no one would think of proposing coercion as a means of exciting this spirit in our favour. But the same principles apply to the co-operation we wish to excite in smaller matters. Indeed, the fear of punishment has as little influence on the minds of this class of our subjects in one case as in the other; for in neither could the charge of having pursued a contrary course be ever brought to the proof.

54. Since therefore it is conceived impossible that any efforts for the further improvement of the police and moral condition of the society should be successful, unless the co-operation and support of the society can be obtained through the means of those possessing influence in it from their situation; and since we cannot hope to excite such a spirit in this class without holding it forth to them as the means of rising to distinction in the society and of procuring those objects so gratifying to their ambition and vanity which our Government has the means of bestowing, it remains only to enquire what is the nature of the means and what the mode in which they may be best applied to the attainment of the object.

55. From the peculiar structure of society in this country and the habits and notions of those who compose it, it happens perhaps fortunately for our Government that

there is little distinction to be obtained that does not emanate from the Government or from its officers. Either direct power or that which results from influence with those in power are almost the only objects of consideration not the offspring of caste and religious prejudices. These are obviously in every shape exclusively at our command, and, with the power of pecuniary recompense and of conferring those other marks of favour and distinction by which vanity is gratified, from the different means we at present possess of binding the several classes of society to us by the hope of reward in the acquisition of their respective objects of desire, the several methods in which these might be applied to the purpose of exciting in the society a disposition to forward our views and the degrees of operation they might be brought to have on every class have never been sufficiently considered. Indeed, as far as I can see, it has been but very little an object of enquiry; our Magistrates appear scarcely sensible of the force of the engine they possess. I should wish to infuse amongst them the disposition to have more frequent recourse to it, and to endeavour to move the society to co-operate with them by its means.

56. It is quite unnecessary that the name or influence of Government should be brought immediately into operation on the society in cases of such trivial moment as those by which the amendments of our police could be effected must necessarily be; were Government to confer a khilat or even to address its thanks direct to every zemindar who might show activity in aid of the police whenever a theft might occur, it would justly subject itself to ridicule and lower in the eyes of the society the value of a distinction made the equivalent of so paltry a service. The individual would have been sufficiently gratified by a sense that the Magistrate saw his deserts and he would have been highly flattered by the slightest public testimony of his personal approbation. It is not by regulations, general orders or other public acts of Government that anything could be effected in the excitement of the desired spirit of co-operation from the society with a view to its moral improvement. Everything must be left to the discretion of our public officers and we can only point out generally the line of conduct we conceive it most expedient for them to pursue.

57. No one can doubt the power possessed by our judicial officers of exciting the society to what they may wish who sees the degree of consideration paid to every one reported to possess influence with them, who observes the avidity with which even access is sought, and remarks the consequence resulting from a personal confidential communication. In nothing which passes not even in the form of address of a perwana or a process of Courts is the Magistrate without the power of gratifying those with whom he may have dealings. Indeed his means of gratification are only equalled by his means of annoyance. All that is necessary is that everything he does should be done personally by himself so that no one may suppose he owes a favour to other than the Magistrate or be able to fancy he can trace an ungracious act to the private motive of the Unlah, which might be meant to express the Magistrate's personal displeasure.

58. On the whole, therefore, as far as my observation has yet gone, I conceive the system at present in being to be as complete as any I have yet seen proposed, nor do I think that even in the minor department of it the alterations which have been suggested would be attended with substantial advantage. The Magistrate with his thanadaree establishment is indispensable to the exercise of an adequate control over the zemindars and native police institutions who, without it would, there can be little doubt, begin by suppressing information and end by introducing the confusion of a state in which every one seeks to right and revenge himself. The subsidiary chokeedaree police is only adapted to cities and large towns, the residence of European officers, in which no similar institutions may have before been in existence. The mofussil police institutions must be left as they are controlled through the influence of the fear of punishment by the thanadaree establishments, and if it is sought to render them efficient, it must be through the society of their masters.

59. We must seek to gain the society not by coercion or the enactments of further penalties but through the means of those possessing influence in it, who are to be gained by holding forth to them the ample means of reward in the gratification of their ambition and vanity, which Government and its officers have exclusively of this. We must depend upon the personal conduct and discretion of our public officers, for Government can only point out to them generally the nature of the object to be gained and of the means by which it is proposed to effect it and perhaps suggest the general mode of their application.

60. The above general view of my opinions on the subject of the police is laid before your Honourable Board, as the result of an attentive consideration of the reports to which I have alluded, compared with such other information as I have been enabled to procure. The view is, as will at first sight be observed, in a great measure purely speculative and upon many of the questions involved in it there is much room for variety of opinion, nor am I by any means confident that the light in which I have been induced to regard them may not be found to be erroneous when we come to give to them a more full consideration. Still, as a ground work for a due examination of the question, it may be useful; which is indeed my motive for offering to you observations so insufficiently digested. There are now only one or two points of minor importance connected with the subject to which I shall further advert in this place. It has been stated that the landholders will never be brought to co-operate cordially in subordination to such persons as now usually fill the office of police darogha, but that if the salary and general respectability of the situation were raised so as to make it an object to natives of higher rank and family, the landholders might cease to feel that jealousy which now prevents their

affording the desired co-operation. I am myself decidedly of opinion that none but the Magistrate in person would under circumstances be able to procure this cordial co-operation. Darogahs of whatever class they may be must always be regarded by landed interests as interlopers and as set over them, while the authority of the Magistrate being the object of their habitual respect and fear is too far above them to excite any feeling but a wish to secure his favour. There are, however, other objections to the experiment. The purchase would at best be dubious while the expense would be heavy and certain; at the same time it might lead to the introduction of a class of persons into these offices who would want that active and resolute alertness indispensably requisite and who would be inclined to do by deputy what is not (as it should be) almost universally done by the principal.

61. There is, however, in the reports of most of the Magistrates another proposition on the subject of these officers which I have listened to with more disposition to admit its expediency. With a view to ensure a greater degree of activity from officers of this description, it may be advisable that the Magistrate should be vested with a more direct and entire authority over them extending even to the powers of removal or dismissal without reference to the Court of Circuit. It is evident that a man may be wholly unfit for an office of this nature against whom no positive accusation could be brought; a negative character such as is described by the Magistrate of Bihar in which no feature good or bad is discernable.

62. The beneficial effects of the prescribed reference to the Court of Circuit may be to retain in office a native servant who might otherwise from dislikes or an improper bias in the Magistrate, or for the mere purpose of making room for some other person, be dismissed. The prejudicial result by encouraging darogahs to look to other authorities than that they serve, is to cramp the energy and debilitate the zeal of every Magistrate in a high and arduous duty which calls for liberal confidence and effectual support. No feeling can be so destructive to all activity and zeal for the good of those we serve as the sense that we have a lee simple of the office we hold. It is to be feared that our darogahs have many of them began to feel this. I do not speak too strongly when I say a Magistrate against whom such a suspicion could be entertained as that, he would through passion, partiality or corruption, displace an honest efficient darogah must be of a character unfit to be entrusted with the other functions of his important charge. Before submitting any proposition for your consideration, I am not withholding desirous that the Nizamut Adawlut should be consulted on the subject, with a view to obtain their opinion on the propriety or otherwise of introducing some modification of the existing rule.

As a result of the inquiries instituted by the Marquess of Hastings the whole of the law relating to the police was brought together in one Regulation, XX of 1817. By this Regulation all the rules which had from time to time been enacted respecting the duties of darogahs and other Indian officers of police were arranged under 34 sections. One important change was made. The appointment of all police officers was vested in the Magistrate. This Regulation remained almost intact until the introduction of the present Police Act in 1860.

The thanadari system did not fulfil the expectations of its founder, Marquess Cornwallis. Lord Moira held a favourable opinion of the system but there was one weak point—want of supervision. The darogahs—officers on Rs. 25 per mensem—had large powers which the want of facilities for communication rendered enormous. They were supervised by an officer at headquarters already overburdened with magisterial and other duties and quite unable to make tours of inspection. The supervision of the Superintendent of Police at Calcutta extended to particularly heinous crimes and not to the every-day work of the thana.

A valuable contemporary account of the practical working of the police in the mofussal is given by the Hon'ble Frederick Shore (son of Lord Teignmouth and a District and Sessions Judge) in his volume of Notes on Indian Affairs, 1837.

After giving a very practical summary of the provisions of Regulation XX of 1817, the author proceeds to analyse the Regulations and to compare the law with the actual practice:—

In the first place [he writes] the darogah (or Inspector) is expected to proceed in person, if possible, to investigate all minor crimes; to told inquests upon bodies; to attend fairs and markets, to preserve the peace; and perform some other duties; all this sounds well; but let any one look at the average size of each jurisdiction—nearly sixteen miles square—and judge whether it be possible for him to do this. But few of the divisions are compact. Some of them straggle for more than 20 miles, while the police-station is at one end; others are divided by a river, to cross which, in the rainy season, occupies three or four hours by a ferry. The Inspector is, accordingly, allowed to depute the writer, or the jemadar (Sergeant), and not unfrequently the inquiry,

although contrary to law, is conducted by a common constable; but, unfortunately, with all this assistance, the investigation is sometimes delayed so long after the crime has been committed, that the clue is lost, which, if at once followed up, might have led to the immediate detection of the offenders. The great size of the police division is, evidently, well known to Government, as is shown by the clause allowing the watchmen of distant villages to communicate only once a fortnight with the police-station. And be it remembered, that this Regulation XX of 1817 is not a *coup d'essai*, but the result of 23 years' experience, that it rescinds a host of former laws, and that, besides containing many new, it is a consolidation of almost all the old enactments relating to the police which were considered good.

One circumstance is extremely striking, viz., the extraordinary powers with which they (police officers) are vested in some points, and the restrictions which are imposed on them in others. A police officer may investigate crimes of the highest magnitude, administering an oath to the prosecutor or informer; he may apprehend people of the highest respectability, on the mere word of an informer; may send the parties to the Magistrate, or, in some cases, release them on bail; may forcibly enter and search houses (the zenana included) for stolen property; yet the officer who possesses such powers as these, is not allowed to give a final order in any case. Should a trespass of cattle occur, of which the damage done is of the value of a few pence; should the pony or bullock of a traveller wander from its pickets and be sent to the pound; should any petty aggression be committed by a traveller; in these and many other cases there is no local authority empowered to settle the dispute. The damage done by the cattle, the claim to the pony, the complaint against the traveller, must all be investigated at the Magistrate's office, although this may be 50 or 100 miles distant. To such a height is this carried, that a drunken man may reel about the streets, annoying every one he meets; a set of scoundrels may go about abusing and hustling respectable people, in order to extort money by threatening to provoke a quarrel, and then lay a complaint; or singing indecent songs within hearing of the females of the family, which is purposely done to extort money; and yet the police are not allowed to interfere!

In towns, many an affray which begins in a slight quarrel, but ultimately ends in murder, or serious wounding, might be checked in the outset; but no! abuse and slight assaults are not within the cognizance of the police; it is not until swords are drawn, or serious club-blows inflicted, that the police may interfere— that is, when the mischief is done. The want of a local authority is severely felt in many other points. Some of the most serious affrays arise out of the trespass of cattle; the people cannot afford to waste a month in travelling and waiting at the Magistrate's office, or to spend ten or twelve rupees in petitions, summonses to witnesses, and other legal expenses, when the original loss they have suffered sometimes scarcely amounts to above a penny, seldom above a few pence; they, consequently, take the law into their own hands, of which the first step is, that the owner of the land, or corn, into which the cattle have trespassed, attempts to drive them off to his village, with a view of exacting a small fine from the owner before releasing them; and, should he be perceived by the other party, an affray, accompanied by loss of life, or severe injury, is the consequence. Had the people some local authority to appeal to, who could immediately investigate the case, oblige the owner to pay the damage which had been done, and inflict a small fine on the offender for his carelessness, they would soon learn to refer to such constituted authority instead of seeking redress themselves. So, in preventing oppressions by travellers, in obviating the annoyances inflicted on farmers and dealers of self-constituted gangs of weighmen, watchmen, and heads of markets, whose sole livelihood is derived from illegal fees and exactions levied from those classes, and in a variety of minor cases, some local authority would be one of the greatest boons to the people; and, I am convinced, that were these powers intrusted to the present race of police officers, the evils which the people would suffer would be infinitely less than those they are now obliged to bear; for, as to telling them they have their remedy by complaining to the Magistrate, it is mere mockery.

The above evils are caused solely by the restrictions imposed by the law. Those produced by the absurd rule of guidance by which the Magistrates of several districts are now influenced will next be considered, namely, that of gradually stripping the police of all power, in order to prevent their abusing it. They seem to have adopted a notion that the police will take every opportunity of turning their authority to their own advantage; now, granted that this be the case, the best mode of putting a stop to this would be, that either the Collector-Magistrate, his deputy, or head assistant, should make a tour of the district, and inspect and inquire into the conduct of the police; if this were done two or three times a year, it would form a very good check to improper conduct. But these officers are too much occupied with the revenue concerns, and their object is to arrange the police affairs so that these may occupy as little time and occasion as little trouble as possible; and they think one mode of effecting this will be by restricting the power of the police. The police are accordingly ordered not to send in any cases in which the prisoners are apprehended, unless the proof against them be so strong as not to admit of doubt, so that numerous felons

escape, whose guilt would have been proved by additional inquiry before the Magistrate. Directions are issued that bad characters and vagabonds shall not be interfered with; the police are prohibited from preventing encroachments on the public roads, so that the streets in the various towns are gradually becoming blocked up. I could point out several, through which, a few years ago a cart could pass, in which nothing is now left but a footpath, from the encroachments of the owners of the houses on each side. These, and some other restriction, considerably lessen the Magistrate's business.

And so much has been lately said about the extortions of the police, a few words on the subject will not be out of place here. I shall first premise that no police officer above a constable can live on his pay. With such an extent of country, two horses for the darogah, one for the writer, and one for the jemadar, are necessary to enable them to perform their duty—the expenses of these animals alone will exceed their respective salaries; consequently, when they obtain their situations, they consider it as an understood matter that they are to have some perquisites in addition; and I shall next show that considerable sums may be realized by the police with scarcely a chance of detection.

A murder or other crime is committed; the police officer proceeds to the village, summons the head-man, and indeed, half the inhabitants, to whom he hints that it will be necessary for them all to proceed to the Magistrate's abode. This produces a bribe from each, to avoid such a calamity for such it is considered, to have anything to do with a prosecution. In an affray between some of the inhabitants of two large villages, there is a fine field for perquisites to the police.

Should a traveller who is proceeding in an opposite direction from that in which the Magistrate's office is situated be robbed of some petty article, and the thief be secured money is exacted from him to allow him to proceed on his way, without the loss of a month's detention, by being sent to the Magistrate, that the case may be heard; the thief, on the other hand, willingly pays a good sum to be released. Should the traveller's pony stray, and be observed by the police, it is immediately brought to the station-house; the poor man appears and begs its release, offering to prove by the other travellers in the inn (*serai*) that it is his. He is told that it must be sent to the Magistrate, as unclaimed property, and he must then prove his right. Of course it ends in a fee being paid and the pony restored.

Numbers of people who have even been robbed, will rather put up with their loss than proceed to the Magistrate's office; and they will willingly pay considerable sums to the police to hush up the affair, and say nothing about it; while, to screen the latter, and shelter them from blame, should it be discovered, they readily sign papers, declaring that they have not been robbed. So different are the opinions of the people from those which we entertain, respecting the courts which we choose to pronounce a blessing to the inhabitants, and so superior to the corrupt tribunals of the old native rule! The British Government may, in the abstract, be better than those of the native chiefs; the only misfortune is, that, neither in abstract or practice, have we ever been able to persuade our native subjects to be of the same opinion; and they would not be slow to acknowledge it, if they really found it so.

The requisition of carriage for the march of troops is a fertile field for the police; all the pack-horses, bullocks and carts that they can find, are seized and brought to the station-house; and, after taking a fee to release the greater part, the number required are sent to the Magistrate. This is entered upon in detail in No. XXV.

On the first appointment of a police officer to his station, it is the custom of all the heads of the villages to present a small offering. This is also done at certain festivals during the year. Both these are old native customs.

Such cases as these enumerated above—and there are others which might be enumerated—afford very considerable sums to the police officers, with scarcely a chance of detection. Why do not the people complain, it will be asked? Why should they? In all the instances except the first, they only pay the darogah to induce him not to do his duty: the people prefer giving a *douceur*, solely in order to avoid having anything to do with a Magistrate's court, and to prevent drawing upon themselves the evils of a prosecution. What folly would it be to do this, and then complain of the police officer! If they go to the Magistrate at all, they had better have attended at once on their own business; it is to avoid this very evil that they willingly pay.

The question which naturally arises, is, what is the best mode of improving the police, and preventing the abuses which now exist? The remedy is not very difficult. Better pay, which will gradually introduce into the establishment a more respectable class of men, and proper surveillance on the part of the Magistrates. Many still argue that no amount of salaries will make the natives honest: the same reasoning might, with equal justice—if judgment had been formed from past experience—have been employed when Lord Cornwallis raised the salaries of the civilians. Again I repeat, only try the same experiment with the natives, that has been found to succeed with the Civil Service. If a feeling of morality does not induce them to become honest, self-interest will do so. But it would not, probably, be necessary to give any very extravagant salaries. I have made many inquiries into the usual expenditure of police darogahs, and do not think that, on the average, they respectively spend above a hundred rupees a month. Yet not one in a hundred of them ever accumulates any money;

on the contrary, many of them are more or less in debt. The salary of a darogah should not be less than a hundred rupees; of a writer, thirty-five or forty; of a jemadar, twenty, at least; this scale of emolument would procure a respectable class of people, who might be allowed to exercise the powers above alluded to in this paper, and even to decide cases of petty theft.

Another point to be considered in improving the state of the police is the bestowing of rewards for good behaviour. Those belonging to it are expected to work hard, and often risk their lives for a mere pittance. I have often known the most gallant conduct displayed by police constables, and the greatest intelligence shown by the superior police officers, in tracing out a gang of thieves, or recovering stolen property, all which was passed over as a matter of course, without notice, although, in the latter case, the darogah has often expended a considerable sum out of his own pocket to spies who had given him the information. Is it extraordinary that when, on the one hand, they experience such treatment, and, on the other they are offered a handsome present or bribe, that they should often forget their duty, and allow the criminals to escape; or that when weapons are drawn they should be rather slack? Consider the motives which actuate the felon and the constable when it comes to a push; the former, perhaps, looks forward, if taken, to death, or transportation for life, or at the least to some severe punishment. It is worth risking his life in the attempt to cut his way through and escape; the latter has the mortifying reflection, that if successful, his conduct will, most probably, pass unnoticed; and that, if killed, his family is left destitute. "Sense of duty," etc., etc., are all very fine words, but the feelings of human nature will have their sway; if good service be wanted, the proper price must be paid for it; for it will not be obtained without. Our Indian police have been very generally accused of cowardice; but quite without reason; pay them well, and they will work well; wherever a Magistrate has taken proper view of this point, and has been supported by the Superintendent of Police or Commissioner, in granting liberal rewards for good conduct, in that district instances may be found of great bravery and intelligence. If Government would be a little more liberal in this way, and if, in the event of a police officer being killed in the performance of his duty, a pension were secured to his wife and children, an improvement would soon be perceived in the police affairs, and it would be seen that the men are no cowards. What are twenty or even fifty rupees to Government, given occasionally? Yet these are large sums, sufficient to induce exertion, to men whose pay is but four rupees a month.

Another mode of reward which is much wanted, is a higher grade of promotion, to which the common constables might look forward. Very few of these men can aspire to the situation of jamadar, though instances have been known of their rising even to that of darogah; but such are very rare; and in each police office should be the grade of daffadar (corporal), one or more, according to the size of the station, which should be devoted exclusively to the reward of the police-private for good behaviour.

Finally, if we want an efficient police, it must no longer be left to the revenue officers, to be attended to by fits and starts, but must, in each district, be placed under the superintendence of a Magistrate, who should devote his whole time to it; and who, being relieved by his assistant from the detail of the office at headquarters, should be enabled constantly to be making the tour of his district. This is particularly requisite, when we consider the difference between England and India. There a man has seldom above two or three miles to go to a justice of peace; often his residence is close at hand. In India, the average would be about 25 miles to the station of the Magistrate. If the latter held free communication with the people, few of the above-mentioned peccadilloes of the police would escape his notice when he was on the spot; and when such a check was imposed, then the authority of the local police officers might be increased; and the landholders might be intrusted with certain powers, to the great benefit of the people; at least it is to be hoped that a public functionary who, in some matters, is vested with greater powers than an English justice of the peace, may be allowed the discretion of confining a drunken man who may be pelting mud upon every one that passes by, until he becomes sober.

The summary of the above observations is as follows:—The police established by the British-Indian Government is, in its outline, precisely similar to that of London; the former is considered by the people as an intolerable evil, the latter is universally allowed to be a most admirable establishment, highly conducive to the public good. The requisites for the improvement of our Indian police are, first, respectable salaries for those employed; second, rewards and promotion for good conduct; third, additional powers in certain petty cases, thus destroying the anomaly which at present exists in the extent of their authority; fourthly, some authority to be intrusted to the upper class of landholders, who would then be induced to give that assistance which they now withhold; and lastly, that there should be the strictest surveillance on the part of the Magistrate, over every one connected with the establishment.

Much of what was written by the Hon'ble Frederick Shore in 1837 might have been written yesterday. These extracts from the writing of a man with the personal experience of a District and Sessions Judge are of great value.

CHAPTER VIII.

1837-1860.

The Select Committee appointed in 1832 to report on the affairs of the East India Company collected much valuable information on the subject of police administration. The subordinates were shown to be corrupt, inefficient and oppressive, while the superior officers, owing to the multiplicity of their duties, were unable to exercise an adequate supervision. Peel's Act for improving the police in and near the Metropolis of London passed through Parliament in 1829, and Colonel Rowan and Sir Richard Mayne were hard at work organizing the new force. The Court of Directors at Home were anxious to know whether similar principles could not be applied to India; and in a Despatch dated January 1836 they expressed the view that "no financial consideration should be allowed to stand in the way of a change so urgently required."

The thanadari system had broken down; the village watchmen were useless either for the detection or the prevention of crime; the darogas were notoriously corrupt and misused the large powers with which they were entrusted, practically without supervision; and the minute body of Magistrates—with the best intentions in the world—could not cope with the work. As a result the administration of criminal justice and the detection and prevention of crime deteriorated rapidly. There was not necessarily any increased disposition to crime on the part of the people, but the whole thanadari and judicial system led to grievous oppression and its extreme unpopularity with the people forced the Government to give it their urgent attention.

To secure some general supervision and uniformity of working, the office of Superintendent of Police (corresponding somewhat to the later appointment of Inspector-General) was created in 1807. The duties attached to the post were too great for any one man to discharge successfully, and in 1829 the post was abolished, and each Commissioner was entrusted with the duties of the office so far as his division was concerned. Meanwhile the offices of Magistrate and Collector had been combined, and as the duties connected with the revenue were considered by the officers of greater importance than those connected with the police, the latter were neglected.

Sir Charles Metcalfe drew up a series of questions which were circulated throughout India and in 1838 a Committee presided over by Mr. Bird was appointed for the purpose of digesting the replies received with a view to the improvement of the Imperial Police and of drawing up a plan for the most efficient organization of that body; but the Committee were warned that the execution of any substantial and early improvement must be much impeded if the plan submitted should involve any great increase in expenditure.

This Committee found that one cause of the inefficiency of the police was the want of uniformity due to want of co-ordination between the different Commissioners, the second cause was the union of the offices of Collector and Magistrate, which resulted in the magisterial duties being neglected in favour of revenue duties; and the frequent transfers of officers were deprecated. A third cause was the want of intercourse between the European and Indian communities. A fourth cause is stated to be the great extent of the Magistrate's jurisdiction and consequent absence of control over thanadars who are stated to be corrupt. "The intolerable inconvenience to the people at large is one of the sources of that dislike so generally entertained to having anything to do with the police." The Committee's report continues:—"It is not feasible to place a Magistrate at every thana; but it is feasible to divide the district into subdivisions and to place Deputy Magistrates in these with original police authority, and the Committee recommend the creation of Deputy or Assistant Magistrates." Such an arrangement "would provide by the employment of honest and intelligent men, that effective control over the

thanadars which the Magistrate is now unable to exercise. It would place the Magistrate's Court within reach of every inhabitant of the district and would bring his protective authority into immediate contact with the people." The cost of the appointment of 79 Subdivisional Officers was calculated to be 4 lakhs annually.

The corruption and utter worthlessness of the thanadars was admitted on all hands. They were expected to be constantly on the move; they were in receipt of an inadequate salary, with no prospects of promotion; they were liable to the displeasure of the Magistrate. Frequent dismissals led to want of confidence in permanency of his office and therefore the daroga made all he could. The Committee expressed the opinion that "Practically the Government impose upon the community the payment of whatever sum, short of the allowed salary, is necessary for their decent subsistence. It is impossible to expect a man, condemned to work for ever on Rs. 25 per mensem with an expenditure of double that figure, to act honestly." The Committee therefore proposed three grades of thanadars on Rs. 100, Rs. 75 and Rs. 50, involving an increased cost of Rs. 2,00,000. In the salaries of other police officers the Committee saw no reason to make any change. The Committee also recommended that the thanadars should be secured from the ill-treatment of Magistrates and that there should be a chain of promotion from burkundaz to daroga.

The Committee found that the chaukidars were generally admitted to be thieves and that nothing could be in a worse state than the chaukidari establishment. The report continues: "It is even a question whether an order issued throughout the country to apprehend and confine (the chaukidars) would not do more to put a stop to theft and robbery than any other measure that could be adopted." The Committee considered that one difficulty the village police had to contend against was the total absence of all rules or regulations concerning them, their duties, powers, obligations. The Committee were against pulling the whole system of village police to pieces, as this would, in their opinion, subvert at once the whole constitution of village society and render the police more than ever an exclusive body regarded with feelings of antipathy: while the greatest impediment to the success of police operations in this country arose from the total want of co-operation on the part of the people.

The Committee therefore made an attempt to reform the old village system rather than to sweep it away. They considered it would be most impolitic to garrison the country with an alien police force. They therefore recommended that the force should be revised and properly remunerated. They proposed to reorganize the whole establishment, to frame rules of conduct defining the powers and responsibilities of the village authorities to whom the watchmen should be subordinate, on the one hand, and the duties to be performed by the latter on the other, and to place their pay on a footing which would secure them an adequate subsistence as long as they behaved well, without their being driven to look for it to illegitimate sources. Good pay, they anticipated, would at once secure activity and respectability in the village watchman and there would probably be but little occasion then to punish for misconduct.

The Committee proposed that the Magistrate should enforce the rules, but should take care not to interfere with the privileges of the landholders and village communities. The Magistrate should hold the zemindars primarily responsible for the conduct of the chaukidars. The Committee were strongly of opinion that Regulation 11 of 1832 should not be repealed; and they drew attention to the injustice of the exemption of European British subjects, in criminal matters from the jurisdiction of the local authorities, and the hindrance this exemption was to the police. The Committee considered that proceedings before Magistrates and at thanas required abbreviation.

Mr. F. J. Halliday (afterwards Sir Frederick Halliday), who was a member of Mr. Bird's Committee, recorded a separate minute of greater length than the Committee's report. I have reproduced below much of this minute, because it was written by a man who had great knowledge of Bengal and its people, and because this document is sometimes confused with a minute written by the same officer when he was Lieutenant-Governor of Bengal. In the period between these two minutes Sir Frederick Halliday's views underwent a change.

The minute opens with these two statements :—

We seem to be all agreed that the present state of Police is nearly as bad as police can be.

The whole police is abhorred and detested by the people, who never apply to it, and think those individuals most fortunate who, by any circumstances, are placed farther from its influences.

Mr. Halliday recapitulated the proposals of the Committee, which he did not think went far enough. He agreed that the first and most prominent defect of our system is the union of the executive with judicial functions. This union affected a fair distribution of justice and impaired the efficiency of the police.

The next great defect was, in his opinion, one of centralisation. He pointed out that the regular police was a comparatively small body—about 8,000 men—kept up at a cost of something over 6 lakhs of rupees, but that the chaukidari establishment consisted of about 200,000 men kept up at a cost of over 60 lakhs of rupees, and it seemed to him useless to deal with a small body and to leave the vast body alone to misemploy and waste such a vast sum of money. “There are two systems of police—the one rude and primitive, suited to rude and primitive communities and not wholly ineffective; the other polished and perfect—the result of civilisation; the one is the system of dispersion and the other of centralisation. Each may be good in its own way, but both cannot exist together.” Mr. Halliday therefore disagreed entirely with the recommendations of the Committee regarding the regular police force. He proposed to revise the whole system, to have a Superintendent-General of Police at headquarters and 23 local Superintendents, 32 Assistant Superintendents, 888 darogas (Rs. 120), 888 Sub-Inspectors (Rs. 25), 4,440 jamadars (Rs. 10), and 66,600 burkandazes (Rs. 5), *i.e.*, 75 to each thana. Mr. Halliday proposed to pay for this force out of the present cost of the combined forces, regular and chaukidari, and he showed that the extra cost would not be great. Mr. Halliday also proposed that there should be judges, located one to each thana or one to two or three thanas, who should try original cases, civil and criminal, with an appeal to the European Judge of the sadar station. The subject of the River Police—a subject which had been omitted from the Commission's report—was dealt with at great length. Regarding Calcutta, he showed that in 1830 the system of division of functions had been introduced into the Calcutta Police Office. In 1835 the Chief Magistrate and the Superintendent of Police, Captain Steel, had reported that the separation of the functions had proved eminently favourable to the efficiency of the police. Mr. Halliday added: “It is my opinion that the Calcutta Police, like that of the rest of the country, should be placed under the Superintendent-General and form part of the general system. Separated, the two systems of police, will, whenever they come in contact, injure each other, as in practice they now do. United, they would in a very high degree assist each other's efficiency. To be subject to the Superintendent-General's authority would in no degree weaken the Superintendent of Calcutta Police, and the alteration would give an incalculable power to the machinery of the former.”

Mr. Halliday's minute continues: “Until some certain measures are taken for having criminal cases adjudicated on or near the spot of occurrence, no amount of expense which the Government may apply to the improvement of the police will be of any avail. So long as the people are condemned to travel on these occasions to a great distance from their homes, the police, be it on the most liberal scale that can be devised, will not only fail of success but will be, in proportion to its strength, an instrument of grievous oppression.” Mr. Halliday laid great stress on this point and expressed his conviction that it was the corner-stone of improvement, from which all other ameliorations must take rise, and without which it was almost better to leave the system quite unamended.

Mr. Bird, in noting on Mr. Halliday's minute, expressed doubts whether it would be possible to impose a police commutation tax to the annual amount of 60 lakhs, and he considered the difficulties of raising voluntarily such a sum to be insurmountable.

The recommendation of the Committee of 1834 concerning the separation of judicial and executive functions was accepted; the senior officer became

the Collector of the district and the Joint Magistrate became an independent officer, but the rate of his remuneration remained unaltered. Subdivisions were opened in some parts of the Province, and Mr. Halliday's recommendation for a Superintendent of Police in each district was accepted.

Before Lord Dalhousie laid down the office of Governor of Bengal, through the Chief Secretary, he addressed a letter to the Government of India, dated the 28th April 1854, drawing attention to a few conspicuous wants and errors in the government of Bengal. The first of these errors was the separation of the offices of Collector and Magistrate. Lord Dalhousie considered the separation of the two offices had been injurious to the character of the administration and to the interests of the people.

The separation was effected gradually between 1836 and 1845, and by that date it was an accomplished fact in all the districts of Bengal (except the three districts of Orissa). There were also independent Joint Magistrates at Pabna, Malda, Bogra, Rampur-Boalia, Faridpur, Bankura, Baraset and Champaran.

The proposal to reunite the offices of Collector and Magistrate was stoutly opposed by Mr. J. P. Grant (afterwards Sir John Peter Grant), who pointed out that there was no reason to believe that the amalgamation would in any way improve the police. Mr. Grant in a minute wrote: "It is very true that we are pressed with the sense of police affairs in Bengal being amiss now. But what is the root of the evil? No one denies that the police affairs in Bengal will continue amiss till an adequate constabulary force and trusty native officials in the thanas are provided for it; till Bengal shall be put on equal footing in this respect with the rest of India. Now no change of names, no shifting of offices will have any tendency to increase the constabulary force or give Bengal trusty native officials in the thanas."

Mr. Grant did not think that the principle of uniting fiscal and police thanas, in Bengal at least, was sound in principle. "A Collector in Bengal neither has nor ought to have influence by reason of his office in his district. His miscellaneous duties are of such a nature as would give no man influence anywhere." Mr. Grant therefore did not see how by his influence the Collector could benefit the police of his district; on the other hand, he did not think that those general and obvious objections to the union of fiscal, police and judicial powers in the same hands which are admitted to have weight and which rule the practice in all the well-governed countries of the West are inapplicable in any part in India, and Mr. Grant considered it ought to be our fixed intention as soon as possible to dis sever wholly the functions of criminal Judge from those of thief catcher and public prosecutor, now combined in the office of the Magistrate. Mr. Grant continued: "The crying evil of Bengal is its bad police. As I have said, the only remedy for this is an adequate constabulary force and trusty thanadars. I am convinced that all thought expended upon projects of improved administration in Bengal until the main want is supplied, will be little better than thought thrown away. The great defect in the organization of the district administration in Bengal is the want of all trusty officers in the interior of the district (such as are tehsildars in all other parts of India) to inform the Station Officers of what is really going on and to execute their orders faithfully. The only local officers in Bengal are the police thanadars who, though better than they were, are notoriously bad."

Mr. Grant considered that the placing of all officers at the sadar station was a great evil. In one way only had Bengal made any progress, namely, in the establishment of a small number of subdivisions, and Mr. Grant recommended that this should be worked out to the utmost. Mr. Grant also recommended that the Munsifs should be given criminal judicial powers up to say three months, and that the Munsifs should receive cases direct from the thanadars. Thanadars also should be reduced in size and every eight or nine formed into a subdivision. The districts should be divided into subdivisions presided over by an Assistant Magistrate or Deputy Magistrate to control the police, but without any judicial powers whatever. At the sadar station there should be a Magistrate without any criminal judicial powers but his supervision over the police and the duty of prosecuting heavy cases to conviction.

Sir Frederick Halliday, now Lieutenant-Governor, did not agree with the views expressed by Mr. Grant. Since 1838 he had changed his mind regarding the union of the two offices, but he agreed that the union would not necessarily

act as a panacea in police matters. Whatever the theory of uniting the offices of Magistrate and Collector, the practice had been successful all over Bengal and had been introduced unhesitatingly into the recently acquired territory. The Lieutenant-Governor considered that Mr. Grant had greatly underestimated the importance of the Collector's duties in Bengal. The Lieutenant-Governor considered the question of the introduction of the proposed measure to be one mainly of economy of power, and he thought, therefore, that it was wise to have all the important duties, whether fiscal or criminal, in the hands of the senior officer and to place the remainder of those duties in the hands of the junior officer. The Lieutenant-Governor heartily approved of the proposal to extend subdivisions. He added :—

That it is necessary—abundantly necessary—to strengthen our subordinate police is a fact on which the Hon'ble Member in Council has dwelt with a force of statement and argument to which all who know the country will give their ready assent. Not only are our thana establishments too few for the absolute wants of the country but, excepting the darogas, they are paid so as almost to justify corruption. When a mohurrir of a thana is paid Rs. 7, a jemadar Rs. 8 and burkundazes Rs. 3-8 to Rs. 4, we may write and talk as we will, but no native can believe that we really set our faces against abuse. It is an especial disadvantage of this scale of payment that it forbids the introduction of a better class of men into the police. Our darogas are now well paid and their offices may now lead to distinction and honour, but an inexperienced man, however well educated, cannot be employed as a daroga. To become a good daroga a man must serve a good daroga's deputy. This can only be by entering the service as a mohurrir on Rs. 7 a month, and how is it possible that a man of good education and honest intentions can take such an office, or, taking it, fail to make shipwreck of his honesty?

The sooner this system of payment is changed the better, and I quite agree with the Hon'ble Member that until this change is made no striking improvement can be expected in the police. But I know not how long it may be before the Government is able to carry an improvement into effect which will involve so large an expenditure.

Subsequent to this discussion Sir Frederick Halliday penned his great Minute on Police Administration in Bengal. I make no excuse for quoting this document almost *in extenso* :

For a long series of years complaints have been handed down from administration to administration regarding the badness of the Mufussil Police under the Government of Bengal, and as yet very little has been done to improve it. Such efforts as have occasionally been made for this purpose, have been usually insufficient to meet the greatness of the evil, partial remedies have failed to produce any extensive benefit, and during long intervals the Government has appeared to fold its hands in despair and to attempt nothing new, because the last-tried inadequate measure had ended in inevitable disappointment.

2. Meantime the ill-success of our administration in this particular has been an endless theme of reproach to the Government, accompanied often by the grossest exaggerations, and very rarely by any sound and practical suggestions for improvement. And the weight and moral authority of the Government have undoubtedly been affected by continual invective on a subject regarding which, while little or no defence was attempted, the Government yet appeared indisposed to make any real effort towards reform.

3. For what after all has been done to improve the Police, during the last thirty years? We have ceased, it is true, to expect integrity from Darogahs with inadequate salaries and large powers, surrounded by temptations and placed beyond the reach of practical control; and we have somewhat curtailed the excessive and unmanageable extent of our Magistrates' jurisdictions by the gradual establishment of thirty-three Subdivisional Magistrates. But beyond this, and not speaking at present of the special and peculiar machinery lately set up in a few districts for the supervision of dacoity, I know not what else has been attempted; and even with regard to these two instalments of improvement, the halting, hesitating way in which they have been effected, has prevented the full benefit which might otherwise have been expected from them. Before the first of these improvements, our stipendiary Police in the Regulation Provinces consisted of some four hundred and eighty-four Darogahs or Thanadars scattered at distant intervals over a territory of 150,000 square miles and a population of 35 million souls; being, say, one Darogah or superior Police officer to 309 square miles and 72,314 souls. Each of these potent functionaries was paid Rs. 25 a month, avowedly less than he could live and move about upon, and each had under him, generally, a Mohurrir or Clerk, and a Jemadar or Head Constable, on salaries ranging from Rs. 4 to Rs. 8 a month each, but with powers equal on most occasions to those of the Darogah himself. Subordinate to these, at each thannah, was an establishment of from 10 to 20 Burkundazes or Constables, often deputed with large powers into the interior, and paid each man from Rs. 3-8 to Rs. 4 a month, a salary notoriously inadequate. It was a step in the right direction doubtless when the Government of Lord Auckland determined thenceforth to pay no Darogah less than Rs. 50 per mensem, and to allow to one hundred of the number Rs. 75, and to fifty of them Rs. 100 per mensem. But the good of all this was tarnished by the omission to do anything for the lower grades of Police officers. For it was impossible to

become a good Darogah without an apprenticeship; and when the apprenticeship was to be served in the midst of great power, great temptation, and the traditions of unavoidable corruption in the station of Thannah Mohurrir on Rs. 7 a month, what was to be expected from such a training? or how, train the Darogah as you might, could you expect purity and integrity until you had cleansed away from about him the foul atmosphere of corruption necessarily engendered by the aggregation of ill-paid and unscrupulous underlings with whom bribery and extortion were almost a necessity, and had long been the habit of their lives?

4. The greatest evil has been more than once commented upon by Mr. Dampier, the late Superintendent of Police, and a remedy proposed. I trust that it may now shortly undergo reform, as I last year submitted to the Government of India an earnest recommendation, founded on Mr. Dampier's propositions, for an increase to the salaries of Mohurrirs, Jemadars and Burkundazes by a system of gradation. And unless financial difficulties interpose, I cannot doubt that this measure must ultimately be honoured by the approval of the Governor-General in Council. But if this, be not granted, all thought for the improvement of the Police will, I fear, be but thought thrown away.

5. The establishment of Subdivisional Magistracies had in it, doubtless, the elements of a very important reform, and as far as it has been yet carried, has certainly effected much good. But as yet it has been carried to a very small and inadequate extent, and it has therefore seemed to the public eye almost to have operated as a failure. Beyond all doubt we shall ever fail to establish a close, constant, and vigorous control over our Police agents, and a ready access to justice for all persons, so that the appeal of the weak against the strong may be at all times possible and effectual.

6. Throughout the length and breadth of this country the strong prey almost universally upon the weak, and power is but too commonly valued only as it can be turned into money. The Native Police, therefore, unless it be closely and vigorously superintended by trustworthy officers, is sure to be a scourge to the country in exact proportion to its strength and power. For this indispensable superintendence no adequate provision has ever yet been made, nor can any provision be considered adequate which does not supply at least one capable and trustworthy Magistrate for every two or at most every three thannahs. As present, however, our establishments do not comprise more than 70 Executive Magistrates, covenanted and uncovenanted, over four hundred and eighty-four thannahs, being at the average rate of about seven and a quarter thannahs to each Magistrate, a proportion much below what is requisite; and the distribution of even this number of Magistrates is extremely irregular.

7. Of the vast importance of the rural Police, the village chowkidars, and the strong necessity for fortifying and improving their character and position, there has never been but one opinion; and from as far back as 1781, down to the date of Lord Hastings' celebrated "Police Minute," and again from that time till the Police Committee of 1837, down to Mr. Dampier's frequent comments on the subject in his Annual Reports, all who have written or spoken on the subject have invariably urged the necessity of directing constant and vigilant attention to the preservation and improvement of this ancient institution of the country. Yet though more than one expedient for this purpose has been devised and discussed, nothing has ever been carried into execution, and it is a lamentable but unquestionable fact that the rural Police, its position, character, and stability as a public institution, have in the Lower Provinces deteriorated during the last twenty years. It is now diminished in number, and impaired in efficiency, while its rights have been seriously and successfully attacked and undermined; so that unless some speedy measures be taken to save it, it is in danger of perishing altogether from the face of the land, and passing out of use, if not out of remembrance.

8. Thirty years ago the old opinion was still prevalent among the Magistrates, an opinion handed down from the Dowdeswells, Elliots, Bayleys and other Magistrates of renown, that it was the highest duty of a Magistrate to uphold the Village Police, to cause all vacancies to be properly filled, and to see the fair payment of all members of the body. There is no doubt that these exertions were in those days effectual towards the object in view, and that the Village Police were kept from falling into decay by the determined and persevering interest shown by the Magistrates in their behalf.

9. The manner in which Mr. W. B. Bayley, when Magistrate of Burdwan in 1811, exerted himself to keep up the efficiency of the Village Police, which has often been held up as an example to succeeding Magistrates, has been explained by him in the following words, quoted from his report to Government of 1812: "I explained," he says, "to Talookdars, Munduls, etc., the necessity of giving a sufficient provision to their respective Chowkeydars, and urged to them as strongly as I could, the advantage which would result to the prosperity of the country and its inhabitants, by furnishing to every Chowkeydar such means of subsistence as might prevent them from committing thefts and robberies, in order to support themselves and their families. Upon this principle, I have to the utmost of my power prevented all attempts on the part of the landholders, etc., to resume any portion of the Chakeran lands, or to remove or appoint any Chowkeydars without a previous enquiry into their conduct and character by the Magistrate."

10. The great difficulty indeed regarding the Village Police, which has been commented upon by all who have directed their attention to the subject since the beginning of the century, is that they are inadequately and uncertainly paid. They are kept in a permanent state of starvation, and though in former days Magistrates battled for them with unwilling zemindars and villagers, and were encouraged by Government to do so, it has been discovered in later times that this is all against the law; and Magistrates,

contrary to the doctrine of earlier times, have been actually prohibited from interfering in favour of village watchmen, it being ruled that this is altogether an affair of the people themselves, who may pay watchmen or not just as they think fit. Village watchmen are now declared to have no legal right to remuneration for service, and (help of the Magistrate being withdrawn) they have no power to enforce their rights even if they had any rights to enforce. Hence they are all thieves or robbers, or leagued with thieves and robbers, inasmuch that when any one is robbed in a village, it is most probable that the first person suspected will be the village watchman.

11. Mr. Millett made a careful inquiry into the law on the subject in 1842, and came to the conclusion that it was optional with the zemindars and villagers to maintain the Village Police or not. I quote in the margin a part of his report to the Bengal Government on this subject.

12. Since that date, although very great advantage has been taken by the zemindars and others of the law as thus declared, to get rid of Chowkeydars, and often to appropriate their old established service lands, a slight check has been given to the progress of this deterioration by a decision of the Sudder Court in April 1851, whereby it was decided that an obligation lay upon a zemindar to appoint to a vacant Chowkeydarship. It was however not decided and on the contrary the Judges were divided on the point whether a Magistrate could enforce this obligation by fine, without which the obligation may be little more than nominal, and if so the condition of the Chowkeydar is likely to remain as starved and helpless as ever. Yet miserably impaired as the institution of the Village Police has become, it is still true that no Police can be effective without their help, and that, as stated in the Minute of Lord Hastings, dated 2nd October 1815, "it is from the Chowkeydars that all information of the character of the individuals, of the haunts and intentions of robbers, and of everything necessary to forward the objects of Police, must ordinarily be obtained; they are the watch and patrol to which the community looks for its immediate protection, and on the occurrence of a crime the Darogah's only mode of proceeding is to collect the watchmen of all neighbouring villages, and to question them as to all the circumstances, with a view to get from them that information which they only can afford."

13. The village Chowkeydars are in short the foundation of all possible Police in this country and upon their renovation, improvement and stability depends the ultimate success of our measures for the benefit of the country in the prevention, detection and punishment of crime. To what a state of corruption, however, this most important branch of the Police system had fallen, was strongly illustrated by the late Mr. Bethune, in his Minute of the 27th May 1851, of which the following is an extract:—

"The most urgent necessity exists for a thorough revision throughout the country. The establishment (of village watchmen) is described not only as utterly useless for Police purposes, but as a curse instead of a blessing to the community. *It is even a question whether an order issued throughout the country to apprehend and confine them would not do more to put a stop to theft and robbery than any other measure that could be adopted.*"

16. Convinced by the reasoning of Mr. Peacock, Lord Dalhousie assented to the proposed modification of his Bill, by which the rural Police was excluded from its operation. But he suggested that the principle involved in the observation of Mr. Peacock regarding the reasonable ability of owners and occupiers of land to contribute to the rural Police according to established usage, might, if fully worked out, be rendered effectual to the end he had in view, the supplying gradually of the great and crying want of these Lower Provinces, to wit, an effective rural Police. With this view he suggested that a local investigation should be made, in every village, throughout every zillah, of the liabilities to which the village is subject in respect of the maintenance of Village Police, in order to found thereon a legislative measure for the improvement of that institution.

18. I am satisfied, however, that it will be vain to improve the agency for the detection and apprehension of criminals, unless we improve also the agency for trying them.

Police reform in India at least is a word of large signification, and extends to our Criminal Judicatories as well as to the Magistracy and the Constabulary organization. At present our Criminal Judicatories stand in need of much amendment and unfortunately the method of amending them is a question which admits of much diversity of opinion.

21. No complaint is more common among Magistrates and Police officers of every grade than that of the disinclination of the people to assist in the apprehension and conviction of criminals. From one end of Bengal to the other, the earnest desire and aim of those who have suffered from thieves or dacoits, is to keep the matter secret from the Police, or failing that, so to manage as to make the trial a nullity before the Courts. Something of this is due, perhaps, to the natural apathy of the people, though it cannot fail to be observed on the other hand that where they have any object to gain, the same people show no apathy or unreadiness but remarkable energy and

perseverance in civil and criminal prosecutions. More, no doubt, is due to the corruption and extortion of the Police, which causes it to be popularly said that dacoity is bad enough, but the subsequent Police inquiry very much worse. But after allowing for both these causes, no one, conversant with the people, can have failed to remark how much of their strong unwillingness to prosecute is owing to the deep sense which pervades the public mind of the utter uncertainty of the proceedings of our Courts, and the exceeding chances of escape which our system allows to criminals. Often have I heard natives express on this point their inability to understand the principles on which the Courts are so constituted or so conducted as to make it appear in their eyes as if the object were rather to favour the acquittal than to ensure the conviction and punishment of offenders, and often have I been assured by them that their anxious desire to avoid appearing as prosecutors arose in a great measure from their belief that prosecution was very likely to end in acquittal, even as they imagined in the teeth of the best evidence, while the acquittal of a revengeful and unscrupulous ruffian was known by experience to have repeatedly ended in the most unhappy consequences to his ill-advised and imprudent prosecutor.

27. That a very small proportion of heinous offenders are ever brought to trial, is matter of notoriety. It now appears that half of those brought to trial are sure to be acquitted. Is it to be expected then, that the people should have confidence in our system, or that they should show any desire to assist the Police, knowing as they do from experience the miserable results to be obtained?

28. I must say that this appears to me the weakest point of our whole system, and that which most loudly calls for an effectual remedy. No doubt the badness of the Police and the inefficiency of the tribunals act and react on each other, and both are concerned in bringing about the deplorable existing consequences. But until the tribunals are reformed, I can see no use in reforming the Police, and I think it will be money thrown away to attempt the latter unless we are determined vigorously to insist on the former. We have been hitherto debating about both for many years without much practical effect, and in the meantime, to take only one crime, and only the seven districts round about Government House, we have seen dacoities increase from 82 in 1841 to 524 in 1851. It is true that under a special agency this has since been reduced to 111 in 1855. But the operations of this agency have shown more than anything else the utter inability of our ordinary institutions to cope with the enormous social evil that is ever rising up in defiance before it.

29. Even if our tribunals were all we could wish, and if our Police were fully reformed, what would it avail us so long as our Superintending Magistracy was for the most part in the hands of inexperienced and therefore unqualified young men? Yet this has not only been long the notorious fact, but peculiar and accidental circumstances, partly temporary and partly arising out of the constitution of the Civil Service, have at this moment made the inexperienced condition of the Magistracy more observable than it has ever been before, while it seems certain that the evil during several succeeding years is likely very seriously to increase. I have appended to this paper a note by Mr. Grey on this very subject, together with a tabular statement, from which it will appear that whereas in 1850 the average standing of Magistrates was 9 years and 8 months, it had sunk in 1854 to 8 years and 5 months, and is now in 1856 so low as 6 years and 10 months. "In 1850," says Mr. Grey, "there were only two Magistrates below the standing of 7 years. Now there are 15 such. The youngest officer officiating as a Magistrate in 1850, was of 5 years' standing. The youngest officer now officiating as Magistrate, is of less than three years' standing." Those who are conversant with the working of our system are aware that this is (under present rules) an evil that cannot be resisted; while it exists, although certain of our young Magistrates often display efficiency and ability beyond their years, yet, on the whole, our Magistracy is losing credit and character, and our administration is growing perceptibly weaker; and yet I grieve to be obliged to affirm that the evil will infallibly increase within the next three years unless an early remedy be applied. Does anybody imagine that while this lasts our Bengal Police can be reformed?

30. It appears to be that in order to secure an effectual improvement of the Police in the Lower Provinces, the following principal measures are indispensably necessary:—

- (1) The improvement of the character and position of the village Chowkeydars or watchmen.
- (2) Adequate salaries, and I may add, fair prospects of advancement to the Stipendiary Police.
- (3) The appointment of more experienced officers as Covenanted Zillah Magistrates.
- (4) A considerable increase in the number of the Uncovenanted or Deputy Magistrates.
- (5) An improvement in our Criminal Courts of Justice.

31. Regarding the first of these measures, I have said that the inquiry suggested by Lord Dalhousie into the actual condition of the Village Police, has been completed. By a Circular, dated 13th November 1854, the several Zillah Magistrates were directed

to adopt immediate measures for the collection of full and accurate information regarding the position of the village Chowkeydars, showing the number that are regularly kept up, by whom they are appointed, by whom paid, and the amount and nature of their receipts. The Magistrates were told to call for this information in the first instance through the Thannah Police, and subsequently to test the accuracy of the information furnished to them by making inquiries in person in different parts of each district, as well as by one or two trustworthy officers specially deputed for that purpose. The results were to be submitted to Government in a prescribed tabular form, and in the native language as originally prepared.

39. What is, however, necessary to secure the old institution of a village watch from falling into utter desuetude, and for keeping it in a state of vigour and sufficient for our present purposes, but doubtless to be further improved and reformed hereafter is a law which shall enable a Magistrate, on finding a village without a Chowkeydar, or a Chowkeydar without wages, to make a summary inquiry, and, according to the nature of the case, either to cause the nomination of a fit Chowkeydar by the person or persons to whom the nomination may be proved by custom and usage to belong, or to cause payment of his wages at the rate found customary by the person or persons on whom the customary liability to pay such wages may be found to fall. Any very precise provisions would, I humbly think, be out of place at present. The people will not, I venture to say, feel it as any hardship that the Magistrate should be empowered to make such inquiries, and to exercise such powers as I propose; on the contrary, they will assent to them as in accordance with old customs, and as enforcing an acknowledged obligation, for the inquisition and the powers are such as were formerly very generally in use, and are even now employed by zealous Magistrates in districts where the people are not yet fully aware of the actual law on the subject. It will only be if any minute system of tax-gathering on account of the village watch should be attempted that the law will be found to create any disaffection or dissatisfaction. At all events I would desire to try the effect of the simpler method before resorting to any more complicated process. It may be safely, I think, reckoned upon, that as soon as the law shall declare that the Magistrate has the power which in former years he always used, and which has only lately been brought into question, the necessity for putting the law into force will very rarely arise.

40. It has been objected by some very competent advisers on such subjects, that even when all this shall have been done we shall be as far as ever from our object; that the village Chowkeydars at the best are an untrustworthy, unorganized rabble, and that no real improvement will be effected unless we get rid of them altogether, and organize a rural Police according to the newest forms of occidental civilization. And it is common with those who advocate this method of reform to point to the 34 or 36 millions of the population, and to urge how easily a sum might be raised from them, not greater than they now pay for their imperfect village watchmen, which in the hands of a skilful organizer, might be made to provide for the establishment in each Zillah of a well-paid, dressed and disciplined force, inferior in numbers to the present rural Police, but far superior in trustworthiness and efficiency. To some such plan as this, I have myself learned in earlier days, nor do I doubt either that if it were practicable it would provide a vastly improved rural Police, or that we may fairly look forward to such an improvement hereafter though as yet at a great distance. I am satisfied, however, that to press for such a measure now would be impolitic and unwise, and that we might lose all in our anxiety to attain a desirable end sooner than can be reasonably expected. We must do our utmost to carry the people with us in our Police reforms; at present they will readily admit old-established obligations to maintain village watchmen in a certain customary proportion to the size of each village, and to pay them after a certain usage, which differs somewhat in different villages, but has long been accommodated to old habits and customs in all. They will not, however, regard with favour a distinct and precise taxation for a new Police the application of which they will doubt and the object of which they will be very likely to misunderstand; and unfortunately our knowledge of the people and our intercourse with them, though distantly placed, often inexperienced and but too-frequently-changed Mofussil Magistrates is not sufficiently intimate and cordial to allow as yet of our acquiring their confidence and thereby their co-operation in plans for the improvement of their old institution. Hereafter when we shall have placed trustworthy Magistrates in adequate numbers and in the centre of manageable jurisdictions, I do not doubt that we shall be able gradually to influence the people more effectually than we can now pretend to do, and so to carry them with us as to obtain their intelligent assent, and with it their hearty assistance to all our measures. We must, in short, obtain their confidence in our Magistracy and Police system before we can hope for their co-operation, and this cannot be expected under our present imperfect organization.

41. With regard to the second of the measures above enumerated, viz., the adequate payment of the Stipendiary Police, I have already submitted a proposition to the Government of India, by which, at an expense of Rs. 3,38,609, a reasonable increase may be made to the salaries and expectations of the Mohurrirs, Jemadars and Burkundazes, as to render their situations more valuable than at present and leave them at all events without the plausible excuse for corruption which many now plead.

In order, however, to complete this part of the subject, I would very strongly recommend, that a few considerable prizes be held out to Darogahs, in the shape of increased salaries for particularly distinguished service.

43. The method in which each zillah was manned from 1793 down to 1830, was thus. There was in each an officer styled Judge and Magistrate, who was Zillah Judge in Civil Causes and also Magistrate of Police. He was usually an officer of upwards of 12 years' standing. There was a Collector who, under the old system, had very little to do, and was usually upwards of 10 years' standing. There was a Register who had generally arrived at from two or three to five or six years standing, and there might be an Assistant Magistrate of any standing below that of the Register. Under this system the Magistrate was the officer most experienced and highest in rank in the district; and he was therefore looked up to with a degree of respect, the recollection of which, to those who, like myself, have known "the Mofussil" in those old days, suggested a painful contrast with the unimportant and comparatively insignificant and unregarded position of the juvenile functionaries, many of whom I have found ineffectually presiding over the Zillah Magistracies in my recent tours. But the Magistrate of those days was encumbered by the weight of duty imposed upon him as the (to use the native phrase) "incarnation of justice," civil and criminal, over an unmanageable extent of country; and partly with a view to remedy this, Lord William Bentinck's Government took the office of Zillah Magistrate from the Judge, and gave it to the Collector, turning the Register, who had been a subordinate to the Civil Judge, into a subordinate to the Collector-Magistrate. Thus the Zillah Magistrate, though no longer the officer of highest standing in the zillah, was yet of sufficient standing, position and experience, to command respect, especially as at the same time the Government began to exercise a much greater degree of care than formerly in the selection of officers for Collectorships. It happened, however, that about the same period an extraordinary activity was infused into the revenue administration in the Lower Provinces, which had been previously much neglected; and for some years after the offices of Collector and Magistrate had been united; the chief attention of Government was given to remedying the grave neglects and deficiencies, which had pervaded the revenue management of former times; so that the business of a Collector became for a considerable time very engrossing and onerous, and the duties of the Magistracy were comparatively disregarded. This, which experience has since shown to have been merely a temporary difficulty, was treated subsequently to 1838, and in consequence of the Report of the Police Committee of that year, as if it had been permanent, and the officers of Collector and Magistrate were separated and put into different hands. But the number of the Civil Service employed in the Lower Provinces not being increased, but rather I think diminished, the inevitable consequence was, that the lower paid of these two offices, that of the Magistrate, fell into the hands of functionaries who had previously been the subordinate of the Collector-Magistrate; and young officers became thenceforth Magistrates at about the same standing at which they had formerly become Registers, or (subsequently) Deputy Collectors and Joint Magistrates. At present the reasons which caused this change no longer exist. The nature of the duties and responsibilities of Collectors' offices requires that they should be held by officers of a certain standing and experience, but the actual work of those offices has become with a few exceptions, so notoriously light, that full leisure is left for the efficient performance of a Magistrate's business, and there is undoubtedly nothing in the nature of the two duties in these Provinces, where the collection of the Government revenue is almost mechanical, and the interference of the Collector in the realization of the zamindar's rent from his tenants is purely judicial, to make them in the smallest degree incompatible. To reunite them, therefore, is now the mere dictate of prudence. It will at once place the Superintending Magistracy of each district in experienced hands, will economize labour, will remove a standing reproach against the Government, and will restore to the Mofussil administration that strength and weight which the present youth and inexperience of our "boy Magistrates" have very sensibly and seriously impaired. This measure was proposed by Lord Dalhousie in 1854, and the reasons in its favour which then existed have been greatly enhanced by the occurrences of the past two years. I earnestly trust that the advantages which it offers, and which are enjoyed by all other parts of India, including all our recent acquisitions, will no longer be denied to Bengal, where, in fact, they are most urgently needed, and where the theoretical objections to the system, weak as I believe them to be everywhere else, have literally no kind of practical application.

46. The next necessary measure is an increase to the Magistracy, and this can only be by an increase to the number of uncovenanted Deputy Magistrates.

47. It is vain to talk of Police reform so long as the Police are under no closer superintendence than that of a Magistrate from 30 to 60 miles off (or even more), in a country where, owing to the nature of the climate and the want of means of communication, a distance of 10 miles is often more than equivalent to 50 miles in England. I will not here parade any statistical facts. Every one acquainted with the country knows how few and far between are our Magistrates in the interior as compared with even the worst organized country in Europe, and every one admits that one of the first

steps towards improvement must be to have Magistrates at such tolerably convenient distances that each functionary shall not be at all events more than a few hours' journey from the most distant village in his jurisdiction. I think that the proper size of a Deputy Magistrate's jurisdiction was not unreasonably stated by an intelligent and experienced Native friend, whom I consulted on the subject, as "so much as the Magistrate could go to one end of in his morning ride, and the other end in his evening ride." This would comprise two or at most three thannahs.

49. There is, however, an opinion which has found favour with some persons of just weight and authority in matters of this kind, and which has indeed a certain plausibility which tends to recommend it to many, and especially to those whose experience or whose mode of thinking has been derived from European rather than from Oriental habits, against which I am especially desirous of raising my testimony in this place, the rather, perhaps, that in the days of my smaller experience, I myself have held and advocated the opinion, which I now very heartily condemn. The opinion to which I allude is this, that Magistrates of every degree should be debarred from all judicial powers, and should have nothing but the executive duty of preventing and detecting offences, and that separate judicial functionaries should always receive and try cases of every kind committed to them by the Magistrates of various degrees. Thus, it is, I believe, contemplated by some advocates of this system that at or near every place at which a Deputy Magistrate is stationed, there should be a Moonisiff or a Sudder Ameen, or a Judicial Officer of some corresponding class to try all cases sent to him by the Deputy Magistrate, and that in the same way all cases coming before the Zillah Magistrate, whatever their nature and importance, should be sent for trial to a Judicial Officer at the zillah station, Native or European.

51. I am very sure that our Mofussil administration will *ceteris paribus* be generally efficient, while it is certain to be also acceptable to the people according to the degree in which it conforms to the simple or Oriental, in preference to the complex or European model. The European idea of provincial government is by a minute division of functions and offices and this is the system which we have introduced into our older territories. The Oriental idea is to unite all powers into one centre. The European may be able to comprehend and appreciate how and why he should go to one functionary for justice of one kind and to another for justice of another kind. The Asiatic is confused and aggrieved by hearing that this tribunal can only redress a particular sort of injury, but that, if his complaint be of another nature, he must go to another authority, and to a third, or a fourth kind of judicature, if his case be in a manner incomprehensible to himself, distinguishable into some other kinds of wrong or injury. He is unable to understand why there should be more than one "Hakim," and why the "Hakim" to whom he goes, according to his own expression, as to a father for justice, should be incapable of rendering him justice, whatever be the nature of his grievance, or whatever be the position of his adversary.

52. Accordingly, not only in all our recent acquisitions, such as Scinde, the Punjab, Burmah, Nagpore, Oude, but in most of those which date thirty and forty years further back, such as the Nerbuddah territories, Assam or Arracan, we have carefully framed our administration upon the Oriental plan, modifying it only where absolutely necessary to ensure real benefit to the people. And while Europeanized methods of our oldest territories have been notoriously unsuccessful, the result has, on the whole, been so decidedly favourable in the newer districts, that no sound Indian statesman would now dream of proposing for any new acquisition any other plan of administration. Now nothing can be more opposed to the Oriental plan of administration than the entire separation of judicial from executive duties, which is advocated by the overmuch occidentalists to whom I have alluded, at the same time that it is going backwards from the course which experience has been gradually forcing upon our older territories ever since 1793. In that year the "Regulation system" began by denuding Zillah Magistrates of almost all judicial powers. But this was soon found to be practically intolerable, and first in 1807 and afterwards at different intervals, the judicial powers of Zillah Magistrates were increased from the infliction of one month's imprisonment to that of six months, one year, two years and ultimately three years, which is the limit of judicial power now exercised by Zillah Magistrates.

79. There is, however, yet another measure which can hardly be omitted in this place and which may seem of itself almost as important as any of the foregoing. I allude to a measure for the establishment of sufficient means of communication with the interior of districts. It cannot indeed be necessary to dwell on the importance of roads and communications to the well-being of any Police system. No system can work well while our police stations and our large towns and marts in the interior are cut off from the chief zillah stations and from one another by the almost entire absence of roads or even (during a large part of the year) of the smallest bridle-roads or foot-paths. It may be impossible in the present state of our resources to make all over our zillahs such roads as are fit at all times for wheeled carriages, but where better and broader roads cannot be made, it ought to be an indispensable part of our

system to have from the chief zillah station to all police stations in the interior, and from each police station to the neighbouring stations, at least a raised and bridged foot- or bridle-path, so that a man, a horse, a bullock, an elephant or a palankeen should at all times of the year be able uninterruptedly to pass and repass.

82. It is a matter not absolutely essential, yet surely of much importance in this and other branches of the public service, that means should be adopted for encouraging and rewarding good service among the native ministerial officers of our Courts, popularly called "the Omlah."

84. They are for the most part paid at a rate that almost necessitates corruption; they have at the best little to look forward to as the honourable reward of a life of incessant toil; and they are liable to be turned off and not seldom are turned off without warning and with the most trifling compensation, on any sudden change or remodelling that may occur in the offices to which they are attached.

92. Lastly, I would express my decided conviction that although the measures I have now proposed, improved and amended as they cannot fail to be during the further discussion to which they will be subjected, will in due time produce an improvement in the state of the Bengal Police which cannot otherwise be effected, they are all of secondary importance, compared with the enlightenment of the people among whom they are to operate, and by whose co-operation alone they can be made fully effectual for the general good. While the mass of the people remain in their present state of ignorance and debasement, all laws and all systems must be comparatively useless and vain. Above all things that can be done by us for this people is their gradual intellectual and moral advancement, through the slow but certain means of a widely spreading popular system of Vernacular education, and money laid out on this great engine of improvement will, in the end, prove better spent and more enduringly profitable than on the working of the most excellent system of administration by the most efficient and costly establishments.

CHAPTER IX.

The New Police—1860.

The Hon'ble the Court of Directors in their Despatch in the Judicial Department, No. 41, dated 24th September 1856, expressed their conviction that an immediate and thorough reform of the police in all the old Provinces of India was loudly called for. They pointed generally to the evils of the existing system and suggested remedies for those evils. They desired the Government of India to take the subject into its early consideration and, after communication with other Presidencies, to report fully its sentiments as to the expediency of the general reorganization of the police throughout India upon some such system as that which obtained with respect to the police of the Punjab or perhaps the constabulary of Ireland, and as to the mode and cost of the proposed reform. The Court were in favour of one general plan of police organization for the whole of India, modified according to circumstances. The main features, they suggested, should be that in each Presidency or Government there should be one General Superintendent of Police; that there should be under him a force consisting of horse and foot, superintended in its larger divisions by European subalterns and equipped, clothed and disciplined so as to render it efficient and serviceable without giving it an absolutely military organization. They suggested that the duties of this force should be purely of a preventive character, the preservation of the public peace and the adoption of necessary measures for the prevention of crime; that the Detective Police should form a constituent portion of each battalion of the Preventive Police under the European officers; that the Preventive Police should have nothing to do with the preparation of evidence, but that the Detective Police should for the present have power to make preliminary enquiries of a judicial character; that the size of the districts should be diminished; that the police of each district should be taken out of the hands of the Magistrate and given to a European officer with no other duties and responsible to the General Superintendent.

The Mutiny intervened, and it was not until 1860 that a Police Commission was appointed to undertake the framing of proposals on these lines. Finally on August 17th, 1860, the Government of India, Home Department (Judicial), issued a resolution appointing a Commission consisting of the following officers:—Mr. Court for the North-Western Provinces; Colonel Phayre for Pegu; Mr. Wauchope for Bengal; Mr. Robinson for Madras; Mr. Temple for the Punjab and Colonel Bruce for Oude; all men of ripe experience, especially in matters connected with the police.

The following extracts show the scope of the Police Commission of 1860:—

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The result aimed at by the Commission should be to embody in one view a statement of the numbers and the cost of every body of Police, Military and Civil, and under whatever name it may be serving, which is employed within British territory in India (excepting only the Police employed within the jurisdiction of the Supreme Courts), and which is paid directly or indirectly by the British Government, and which is not under the orders of the Military Officers subordinate to the Commander-in-Chief. The statement should show the character and constitution of each body,—how organized and how armed and equipped,—to whom subordinate, and on what duties employed. The statement should also include all civil guards and burkundazes, chuprassies and other orderlies—by whatever name designated in different parts of India—who are attached to the courts and treasuries, or to the persons of the district civil authorities, judicial and executive, from the highest to the lowest, or who are employed in the collection of the revenue.

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II. Under the second head of their enquiry, the Commissioners will report on alterations in system which they consider likely to increase efficiency, or to diminish expense.

The general objects to be kept in view as desirable in a perfect and economical Police, are briefly stated in the annexed Memorandum. It is not, however, to be understood that this is meant as a model to be followed strictly. It is simply intended that, keeping in view such a Police as is therein described, the Commission should suggest any changes which, with reference to existing circumstances and the wants of the various divisions of the Empire, as stated by the local officers, may be regarded as practicable within some reasonably proximate period, and likely to conduce to ultimate economy or efficiency.

A Draft of a Bill on the model of Act XXIV of 1859 (the Madras Police Act) may be submitted to Government.

MEMORANDUM.

The characteristics of a good Police for India are—

I. That it should be entirely subject to the Civil Executive Government.

II. The duties of Police should be entirely Civil, not Military.

III. The functions of a Police are either protective and repressive, or detective, to prevent crime and disorder, or to find out criminals and disturbers of the peace. These functions are in no respect judicial. the rule should always be kept in sight, that the official who collects and traces out the links in the chain of evidence in any case of importance, should never be the same as the judicial officer, whether of high or inferior grade, who is to sit in judgment on the case.

This rule will prevent Police Officers from taking down confessions to be used subsequently as evidence—this being a judicial process of great importance.

It ought, in fact, to prevent any policeman from taking down in writing any deposition of a witness. The Police should be confined to catching the malefactors and procuring the attendance of witnesses, leaving it to a perfectly distinct agency to examine the witnesses, and take down in writing their depositions.

IV. The organization of the Police must be centralised in the hands of the Executive Administration.

This raises the question, who is to be responsible for the peace of the district?

Clearly that officer, whoever he may be, to whom the Police are immediately responsible. Under him, it is the duty of every Police Officer and of every Magisterial Officer, of whatever grade, in their several charges, to keep him informed of all matters affecting the public peace, and the prevention and detection of crime. It is his duty to see that both classes of officials work together for this end, and as both are subordinate to him, he ought to be able to ensure their combined action.

The exact limits of the several duties of the two classes of officers it may be difficult to define in any general rule; but they will not be difficult to fix in practice, if the leading principles are authoritatively laid down, and, above all, if the golden rule be borne in mind that the Judicial and Police functions are not to be mixed up or confounded; that the active work of preventing or detecting crime is to rest entirely with the Police, and not to be interfered with by those who are to sit in judgment on the criminal.

V. The organization and discipline of the Police should be similar to those of a Military body.

VI. The appointment and dismissal of every policeman should rest with the European Officer to whom he is immediately responsible.

VII. The Police must be divided into various bodies differently armed and equipped, according to the different kind of work required of them.

VIII. The pay of the Police must vary according to time and place, but it may be laid down as a general rule that it should always be sufficient to give the policeman something more than the highest rate of wages for unskilled labor, so as to ensure Government having the choice of all the class to which unskilled laborers belong, thus securing the best and most respectable of that class for the Police. The pay of mounted policemen, and of the superior grades, will, of course, be higher according to their expenses and rank.

IX. The Police should always have a uniform dress.

X. The arms of the Police must vary according to their duty.

XI. The direction of the whole inferior economy of the Police must rest exclusively with the officers of Police.

The Police must be, in Scotch phrase, "self-contained." Every man will be subordinate to the Magisterial and Judicial Officers of the district, according to their rank, and the duty on which they are employed; but neither directly responsible to, nor dependent on, any but his own officers, through whom he is responsible to the head of the Civil Executive Government. The words "subordinate," "responsible," and "dependent," are here used in their strict sense, and not as convertible or synonymous. On all matters relating to the detection or prevention of crime, every policeman will, as a matter of course, obey all orders he may receive from any Magisterial Officer to whom he is subordinate; disobeying at his own peril, but being responsible for such disobedience only to his own officers.

Such responsibility will be enforced, in case of neglect by his immediate superior, through the common superior of all, the head of the Civil Executive Government.

It follows as a necessary consequence, which needs no illustration, that—

XII. There cannot be more than one Police in one locality.

There cannot be one Police under the Superintendent of Police, and another more or less under the Magisterial or other Civil officials.

An apparent exception may exist in the case of Railway Police; but it ought to be only apparent, as the status of the Superintendent of Railway Police should always be that of a Deputy to the Superintendent of a district *pro hac vice* with his duties confined to a particular defined locality, i.e., the line of Railway, and the ground in the occupation of the Railway Company.

The Village Police will be no exception to this rule, as far as it is a real Police body, kept at the expense of the State; but it must never be forgotten that in many parts of India the State bears but a very small portion of the expense of the Village Police, which is, in a great measure, a purely municipal body, paid by the village community.

It must also never be forgotten that the Police duties of the regular stipendiary Police are their entire daily and perpetual duty, whereas in ninety-nine out of a hundred cases the real Police duties of the Village Police recur only occasionally, at intervals of, it may be days, or even weeks and months, and that when the village watchman, however selected, paid or drilled, is dealing with a crime (which occurs in his village once perhaps in a series of years, it may be once only in a lifetime), it is vain to expect the same sort of aptitude which may be reasonably looked for in the most ordinary professional policeman.

The great value of the Village Police, as an adjunct to the general Police, is the local knowledge of persons and habits which they possess. Their general mode of life, and the form in which they receive their remuneration, enable them to know all that goes on in the community. This knowledge can often, perhaps usually, be turned to useful account by the general Police, better through the head of the community, the village headman or zemindar, than by any direct action.

But it may be laid down as a rule that no Village Police, however managed or however as a supplement, can ever be an efficient substitute for a general Police for any but village purposes.

XIII. Where practicable they should be drawn from the country in which they serve.

There will, however, be many exceptions.

In a newly acquired territory, it may be necessary to have a large proportion of the protective Police, foreigners— but this necessity ought annually to diminish.

There are said to be cases in which the natives of the country are utterly unfitted ever to make good Police. This may be the case, but proved instances of it are certainly rare, and probably the materials of a Police, as good as is practically obtainable for any given community, are always to be found on the spot, if properly used, trained and taught, for which purpose a number of foreigners may often be necessary at first, as instructors and leaders.

The Police Commission unanimously adopted the following propositions as the basis of a police system and of an organized constabulary:—

4. That a Civil protective force can be constituted in any part of India, starting from a Civil basis, after the model of the British and Irish Constabulary forces, and under the control of carefully selected European Officers, which may be adapted, by special attention to its departmental constitution, and physical composition, to the performance of every duty which can be required of such a body in regard to the prevention of crime, the suppression of local outrage, the maintenance of order, and prevention of aggression on Frontiers where armed invasion is not to be anticipated; for the guarding and watching of jails, treasuries and stores, and performing any escort duties connected with them and public property of every description.

5. That the Executive Government should at once constitute a Civil force of such organization as shall make it thoroughly useful for every Civil Police purpose. The force should be so trained and constituted that it may be thoroughly relied upon

for the performance of all duties of a preventive and detective Police, and for the protection of property, and maintenance of local peace and order, with reference to the locality in which it is to be employed. That the formation of such a force is the key to economy and Military efficiency.

8. That the creation of an organized Police, and the establishment of an uniform and widely spread system of management will likewise supersede the necessity of such separate establishments, as those of the thuggee and dacoity departments, avowedly maintained, because the general Police is inefficient. These departments should gradually be absorbed into the Police, and the existing establishment of officers, officials and approvers, be distributed among the Police of the several Provinces, so soon as the organization of the Police shall be sufficiently advanced to admit of it.

13. That whether the constitution of the Village Police and the connection now existing between the landholder or the village community and the village watchmen, should be preserved or no—the duty of supervising the Village Police in all their public duties should devolve on the District Superintendent, with the view of securing a regular and punctual performance of those duties, and of making the village watch an useful supplement to the organized Constabulary.

15. That no separate detective branch of the service be formed, and that every part of the Police be held responsible for every duty, preventive and detective, properly belonging to it.

16. That the Police thus constituted should form a separate department in each local Government or local Administration, and, under the immediate authority and control of its chief. And, having an independent departmental organization and subordination of its own, be made an efficient instrument at the disposal of the District Officer.

18. That the Police under each local Government or Administration should constitute one force; and be under an officer to be styled Inspector-General of Police; in whom should be vested, in communication with the Government, the organization of the establishment, and the responsibility of maintaining it in a state of efficiency, by proper attention to its discipline and interior economy, and to the general management of the force through its own officers.

21. That, in consequence of the appointment of an Inspector-General of Police to be the chief inspecting and controlling power over the Police, the executive function of officers above the grade of Magistrate of district, namely, of Commissioners of divisions as Superintendent of Police, where such offices exist, should cease as provided for in certain provinces by Act XXIV of 1857. But it is not intended to limit in any way their general control over the criminal administration, or their authority over the Magistrates.

24. That in every district under the jurisdiction of one Magistrate, there should be at least one European Officer of Police, to be styled District Superintendent of Police, who should be departmentally subordinate to the Inspector-General of Police, in every matter relating to interior economy and good management of the force, and efficient performance of every Police duty; but bound also to obey the orders of the District Officer in all matters relating to the prevention and detection of crime, the preservation of the peace, and other executive Police duties, and responsible to him likewise for the efficiency with which the force performs its duty.

25. That on him should devolve the command and control of all the establishments of Police of every denomination within such district. He should be held answerable for all matters relating to the interior economy of the force, for the physical qualifications and the general conduct of the men, for the maintenance of discipline, and the punctual execution of all orders of the Magistracy. On him, subject to the general administrative and judicial control of the District Officer, with whom he should be in constant and intimate communication, should likewise devolve the maintenance of the public peace, and the prevention and detection of crime.

27. That, as a rule, there should be a complete severance of executive Police from judicial authorities; that the official who collects and traces out the links of evidence—in other words, virtually prosecutes the offender—should never be the same as the officer, whether of high or inferior grade, who is to sit in judgment on the case; even with a view to communal for trial before a higher tribunal. As the detection and prosecution of criminals properly devolve on the Police, no Police Officer should be permitted to have any judicial function.

28. That the same true principle, that the Judge and detective officer should not be one and the same, applies to officials, having by law, judicial functions and should, as far as possible, be carefully observed in practice. But with the constitution of the official agency now existing in India, an exception must be made in favor of the *District Officer*. The Magistrates have long been, in the eye of the law, executive officers, having a general supervising authority in matters of Police originally without extensive judicial powers. In some parts of India this original function of the Magistrate has not been widely departed from; in other parts extensive judicial powers have been superadded to their original and proper function. The circumstance has imported difficulties in regard to maintaining the leading principle enunciated above; for it is impracticable to relieve the Magistrates of their judicial duties; and, on the other hand, it is at present inexpedient to deprive the Police and public of the valuable aid and supervision of the District Officer in the general management of Police matters.

29. That, therefore, it is necessary that the District Officer shall be recognized as the principal controlling officer in the Police administration of his district. And that the Civil Constabulary, under its own officers, shall be responsible to him, and under his orders, for the Executive Police Administration.

30. That this departure from principle will be less objectionable in practice, when the Executive Police, though bound to obey the Magistrate's orders *quoad* the criminal administration, is kept departmentally distinct and subordinate to its own officers, and constitutes a special agency having no judicial function. As the organization becomes perfected and the force effective for the performance of its detective duties, any necessity for the Magistrate to take personal action in any case judicially before him, ought to cease.

32. That the District Officer is the lowest grade in whom Police and judicial functions should unite; and that, consequently, all officers below that grade, who are now invested with Police functions, should not hereafter exercise those functions beyond issuing such orders as may be necessary in their judicial capacity in specific cases before them.

33. That the general responsibility for the well-being of the district should continue to be vested in the District Officer, as the chief conservator of the peace of the district, the Police being made an efficient instrument placed at his disposal for the protection of life and property, for the suppression of crime, and the repression of local disturbances, and for the purpose of undertaking all the duties properly belonging to a Constabulary.

42. That the lower rank of the Constabulary force should be divided into three grades; the lowest of which should receive pay equal at least to the average ordinary wages of unskilled labor of the Province.

46. That quarters should be provided for the Police at the cost of the State; and that the accommodation of the families of the Police should be discretionary with the local Government.

63. That it should be lawful for the Magistrate or the District Superintendent, in communication with him, to depute any portion of the Police force of the District to any locality where disturbance may be anticipated, and to charge those whose conduct may have rendered this measure necessary with the cost.

67. That no separate class of clerks, writers or ministerial officials shall be allowed in the Police; and that all duties connected with writing and accounts be performed by enrolled men of the force.

68. That the Police should not be used as an agency for the record of any evidence, confession, inquest or the like; but a system of keeping faithful, accurate, and minute diaries should be maintained. These diaries should specify, concisely, but in detail, all duties in which any Police Officer may have been engaged, and every occurrence and information that may have required the attention of the Police within their respective ranges. All Police Officers engaged in specific detective duties should keep an accurate and minute diary of every step taken, and every information obtained in following up the clue of evidence—such diaries should be Police documents only, and be sent to the District Superintendent, but should be open to the inspection of the District Officer.

70. That the Police be strictly forbidden by law, to take cognizance of, or interfere with petty offences of any description, or otherwise interfere with the liberties or convenience of the people.

The following extract from a letter from the Police Commission to the Secretary to the Government of India, Home Department, dated the 10th September 1860, is relevant in this connection :—

2nd. We are not prepared to affirm that the abstract necessity of a Village Police for India could be demonstrated, nor that, in a highly civilized country with a comparatively perfect Police organization, such an institution as that of a Village Police would be indispensable. But, under the existing circumstances of those Provinces of India, of which we severally have cognizance, we think that the institution must be maintained. And if the institution be maintained at all, there can, we apprehend, be no doubt that it ought to be maintained in real and thorough efficiency.

3rd. In every part of India the village watchman is found. In no part is he very efficient, though everywhere he may be useful. In many parts he has become inefficient and degraded. But as these watchmen exist universally, their numbers are, in the aggregate, very large.

4th. In India, as elsewhere, it is necessary that the Government Police should be, as it were, *en rapport*, and in intimate communication with the people. In the existing condition of the interior of the country the organized Police cannot be informed of all that occurs of public consequence unless they have some tolerably reliable agency in the villages. That the organized Police should have one of their body in every village or circle of villages, would be impossible, and, if possible, would not be desirable. On the one hand, a large augmentation of the Police force would be needed. On the other hand, policemen, scattered about among the villages, and isolated from control, would be oppressive to the people. It becomes therefore necessary that there should be some one among the residents of the village on whom the organized Constabulary can rely for information, through whom they can carry out their orders. The village watchman is, of course, just such a person. He is a man of the village; not enough of an official to be alien from or obnoxious to the villagers, and enough of an official to be amenable to system and reliable for duty. He possesses a sort of knowledge and a sort of influence which no Police agent could ever possess. And the people never regard him with distrust or dislike but, on the contrary, consider him a useful personage and a necessary adjunct to the constitution of the village.

10th. We believe, then, that the two guiding principles are,—first, that the local and popular character of the Village Watch should be preserved; second, that the Village Watch should be rendered efficient for local Police service.

13th. Lastly, we recommend that, if the Government should be pleased to order the reorganization of the Civil Constabulary, the opportunity be taken in each province of carefully revising the Village Police, of defining the beat of each watchman, of declaring the terms of his appointment and succession and of fixing remuneration. We apprehend that the efficiency of the Police system generally would much depend on the care with which this important operation might be conducted.

18th. We believe the placing of the Village Watch on a proper footing, throughout India, to be a matter of great moment to the welfare of the country; and an important supplement to the measures we have already recommended.

“When introducing the Police Bill into the Legislative Council on 29th September 1860, Sir Bartle Frere said—

It would be in the recollection of Honorable Members of this Council, that up to a recent period the Magistrate was charged with the oversight of the Police in his district, and this had been the practice for upwards of half a century. The consequence was that, as business increased, the Magistrate gradually became a Judicial Officer with very extended powers, and was little able to give his Police that exclusive attention which was absolutely requisite to keep it efficient. About the time of Lord William Bentinck, complaints of the inefficiency and corruption of the Police in all our Regulation Provinces became universal. The complaints were generally that, whether few or many in proportion to the population, the Police was everywhere oppressive and corrupt, undisciplined and ill-supervised. The Superior Officer and Magistrates were either inefficient Superintendents of Police, or if active as Police officers, apt to be biased as Magistrates. The earliest attempts at reform were made in the Presidency towns by appointing Superintendents of Police separate from the Magistrates, and it was observable that the result had been invariably such as to demonstrate the soundness of the principle of that separation. He thought that anybody coming to Calcutta, where the Police and Judicial duties of sitting Magistrates had long been separated, must be struck with the general efficiency of the Police. In Bombay great insecurity of life and property prevailed for some time, until Lord Clare, about 1832 or 1833, reformed the Police, by appointing separate officers as Superintendents of Police and separate

sitting Magistrates to try cases that were brought up. He (Sir Bartle Frere) mentioned these instances in illustration of the value of one great feature of the measure which he was about to lay before the Council, that is, the entire separation of the Executive Police from all immediate subordination to the sitting Magistrate and from all judicial functions.

The first real attempt to reform the Mofussil Police was made in Sind by Sir Charles Napier. Immediately after the conquest of that Province, he drew up a plan, on the model of the Irish Constabulary, which, though complete from the first, was the result of long thought. Its characteristics were separate organization, complete severance of Police and judicial functions, complete subordination to the general Government, and, lastly, discipline not in the nature of parade, but as far as was necessary to effective organization. His plan was adapted to the local village system as then prevailing in that Province, and since its introduction nothing could have been more efficient than the Police. It was at first received with great distrust by the civil officers, a feeling in which he (Sir Bartle Frere) must say he at first shared, but its results were such as to convert the most sceptical among them. He might enumerate the total suppression of organized violent crime, the entire absence of dacoities or highway robberies, and the check to the very prevalent crime of cattle-stealing, all which testified to the soundness of the principle of the measure. Nothing could have been better than the conduct of the Sind Police during the Mutiny, and for that and the general efficiency of that Police the thanks of the Government had repeatedly been conveyed to Major Marston, the Captain of Police, who had belonged to it since its first formation under Sir Charles Napier. The plan was approved by Lord Ellenborough, who was then Governor-General of India, and he ordered its extension to the North-Western Provinces. Three Police Corps were raised to relieve the Military of the Civil duties previously performed by them. Lord Ellenborough, however, left India, and there the reform stopped. Shortly after, Sir George Clerk, who came out as Governor of Bombay, visited Sind in 1847. He instantly recognized the value of the Sind Police, and commenced reforms on a similar principle in Bombay. He (Sir Bartle Frere) would refer to the great value of Sir George Clerk's opinion, as affording an ample answer to the usual objection, that this system might do very well for England and Europeans, but was not adapted to this country. He believed there was no man living whose opinion was entitled to greater respect on such a question than Sir George Clerk, whether as regarded his intimate knowledge of the natives, or his sympathy with their wants and wishes, and his tact and discrimination in dealing with them. Shortly afterwards the lamented Sir Henry Lawrence was appointed Chief Commissioner of the Punjab after the annexation of that Province, and he commenced upon the reorganization of the Police very much on the same plan adopted in Sind. Unfortunately, however, the original was departed from in many particulars and a double system of Police created, namely, first, the employment of an unorganized body of burkundazes under the Deputy Commissioners as Magistrates; and, secondly, the formation of Police Corps under the control of the Chief Commissioner, doing no real Police work, but exclusively employed as jail and treasure guards, and on other duties which had previously devolved on the regular army. This system was effective but very costly. The Police Corps were, in fact, a second civil army. This was an objection to them as a Police, but it was very fortunate for India that the mistake—for it was a mistake as far as regarded their Police duties—was made, for it was these corps which so materially assisted Sir John Lawrence to hold the Punjab, and to retake Delhi. Still they were a very expensive addition, whether looked on in connexion with the Police or the Army.

He would now turn to Oude. The day after the fall of Lucknow, Sir James Outram, under instructions from the Governor-General, desired Colonel Bruce to submit a scheme for Police, which he did on the Sind model, on the 23rd March 1858. When Sir Robert Montgomery succeeded, we only held the capital, and the country had still to be subdued. He ordered Colonel Bruce to raise Police to aid in the first instance in that object.

Colonel Abbott organized a Constabulary for Lucknow on the model of the London Police, and large numbers of mughals and burkundazes were absorbed. The success of the measure was so great, and tranquillity so complete, that on the 21st July 1859, the Commissioners proposed a reduction of eleven lakhs per annum, the tehsil establishment being simultaneously reduced.

The hearty thanks of India were due to Sir Robert Montgomery, Mr. Wingfield, and Colonel Bruce for these results which he begged the Council to note as evidence of the mode in which such a Police could be adapted to the wants of any Province, and as a very sufficient answer to the objections which had been raised both in this country and in England, to the large expenditure on the Police of the conquered Province. He would only briefly advert to what had been done in the way of Police reform in Madras with which the Council were probably better acquainted than he was. Attention was first drawn to the subject by the Report of the Torture Commission, and the result was embodied in the Act passed by the Legislative Council on the 6th September 1859. He might mention that he had often heard Mr. Robinson, the Chief of Police at Madras, speak of the obligation he was under to this Council, and especially to the Honorable and learned Vice-President, for the aid he received in framing this Act, which, although it had not been in force for more than a year, had proved most

successful in operation. The principle of that Act was well known to the Council, and he (Sir Bartle Frere) would therefore only read the following brief extract.

The constitution of the Madras Police is as follows:—

“ I. A village or local Police consisting of,—1st, the village watch or local Police establishment—constituted as at present, of the Talari or village watch and detective; but strengthened, improved, adequately remunerated and properly controlled. The Talari Police is strictly localized, and the limit of their duty duly circumscribed. They do the ordinary Police duty of the village, and are kept in daily communication with each other and the general Constabulary, through, 2ndly, the Village Inspector, who is one of the principal and most intelligent ryots of the neighbourhood, and supervises the working of the village watchers. The Village Inspector forms an important link in connecting the Police with the respectable rural population of the country.

“ II. General Stipendiary Constabulary—consisting of Inspectors of Police, Head and Deputy Constables and privates. These latter are formed into Police parties of a strength adapted to the work to be performed; and are located under the command of Head and Deputy Constables at the headquarters of the talook magistracy, and in other convenient positions for the patrol and watch of the highways and country in general; every part of which is visited and communicated with once in twenty-four hours. District Inspectors of Police control and supervise the working of both the Village Police and the parties of the general Constabulary. They command them when collected for the performance of any duty; and form with the petty officers, the detective, and, so far as falls within the proper province of the Police, the prosecuting agency of each district. The lower grades of the general Constabulary are drawn from that class of the people who become peons and enter the native army and are of all castes and races. The constables or petty officers will generally rise from the ranks. The Inspectors, the superior officers of the force (a fair proportion of whom will be Europeans and East Indians), are drawn from those superior classes of native society that enter the higher walks of the general service of the Government. They will intelligently guide, and carefully watch the conduct and spirit of the ranks without being too intimately connected either in interest or sympathies with the bulk of the force.

“ That degree of Constabulary training and instruction which are indispensable to a body which has to guard treasuries and jails, and may be called upon to support the magistracy in preserving the peace and ensuring order, is imparted to the force. They learn the use of their arms and the simple evolutions that may be required, but they carry no arms beyond the truncheon, the ordinary badge of office, except when occasion requires. The supply of arms to each district will be in a very limited proportion to the force employed. The means of rapid concentration are observed, and are greatly facilitated by the relation the Constabulary stands in to the Village Police.

“ No distinction is observed between preventive and detective duties. Every Police Officer, whether of the Village Police or general Constabulary, is responsible for every duty belonging to the Police. The smooth working of the Police is especially attended to; and, above all, they are enjoined not to annoy the people by unnecessary interference. The Police is forbidden by the law to entertain petty complaints of every description, and even in cases of grave crime operates generally under a Magistrate's warrant only. Every grade of the Police is amenable to the jurisdiction of the Magistracy.”

In Bengal, Police battalions were raised during the Mutiny of 1857. The present strength was 6,600 privates, at a cost of nine lakhs and sixty thousand rupees per annum, but the old Police and station guards had been abolished, and the total increase was less than seven lakhs per annum. It was the least expensive Police in India, but it was very desirable to render it more efficient, which could not be done without increased cost.

Thus it would be seen the necessity for economy had not been overlooked, but, in order the better to secure that object and something like uniformity, the Police Commission was appointed on 17th August last. The Police Commission had submitted an able report which would be laid before the Council, together with this Bill, which embodied the principles adopted in their report. The report was accompanied with documents which he thought would be found extremely interesting as regarded the cost of the Constabulary, which it was proposed to substitute for the present Police. The propositions of the Commission would be found stated in full in their report. The most important of them are as follows:—

“ Complete separation of a Military-armed force under Military command from the Civil Constabulary.

“ That the Military force should confine itself to Military duties, and the Civil Constabulary to Civil duties.

“ That the Civil Constabulary for India should be formed on the model of the English and Irish Constabulary.

“ That the Civil Constabulary should be under the Executive Government for all Police purposes, protective, preventive, and detective.

“ That unity of action and organization were essential to efficiency and economy.

- "That all separate Police and quasi-police bodies must therefore be absorbed in the new Constabulary.
- "That the same body should also provide for all purely Civil Police duties, connected with the army, such as watching military stores, etc., as distinguished from guarding them.
- "All personal guard and orderlies and Municipal Police to be incorporated in the new Constabulary
- "That the new Constabulary be linked to the Village Police, so as to make the latter an useful supplement to the former.
- "Mounted policemen to be employed only where absolutely necessary.
- "That there was to be no separate detective body, no spies and informers, who, under the present system, were a curse to the country.
- "That the Police Department should be a separate branch of administration with an Inspector-General under each Government, the Police being linked on to the magistracy at the district office or Chief Magistrate of the district, whatever might be his denomination.
- "The Inspector-General to have under him Deputy Superintendents and other subordinates.
- "Complete severance of executive Police and judicial functions." The paragraph on this subject ran thus:—"That, as a rule, there shall be complete severance of executive Police from Judicial authorities; that the official who collects and traces out the links of evidence, in other words virtually prosecutes the offender, should never be the same as the officer, whether of high or inferior grade, who is to sit in judgment on the case even with a view to committal for trial before a higher tribunal. As the direction and prosecution of criminals properly devolve on the Police, no Police Officer should be permitted to have any judicial function."

The rest were details as to pay and organization. Among them it was provided that the pay of the Constabulary should be always equal to the highest wages of unskilled labor; that of officers and non-commissioned officers being such as to put them above temptation and to form an inducement to respectable men to enter.

It was not to be expected that this plan would be accepted everywhere. Its progress must be gradual, as it had been in England and Ireland, where many years had elapsed before the system was extended over the whole kingdom. It was hardly to be expected that the measure would be carried out at once. It was essential that it should carry with it the consent of the officers by whom it would be worked. It was not the intention of Government to put in force such a system until the officers to whom that duty would be entrusted were convinced of the soundness of the principle on which it was based. We had an encouraging proof of the mode in which those principles commended themselves to the judgment of practical men in the Report of the Commission, which was composed of officers of Government, who had come from different parts of the country, and who had previously held the most discordant views. But after they had very fully discussed the subject, they unanimously adopted the report, which was the foundation of this Bill. The Commissioners would now return to their districts, and would reassemble here to determine the financial part of the scheme proposed by them. But wherever these officers went, he trusted that they would carry with them and disseminate the principles on which they had agreed, for he felt that they were not only calculated to maintain the public peace and security, but were also connected with the prosperity of the country, because, unless the proposed scheme or some other equally efficacious in reducing the costs were adopted, there was no hope of bringing the income and expenditure of the Indian Government to meet within a reasonable period. It was to this point he trusted that the attention of the officers of Government would be directed.

At the meeting held the following Saturday the Hon'ble Member called attention to what had already been done in Bengal. He said:—

He would not detain the Council unnecessarily long, but he might be allowed to say that all that had been done of late years to improve the Bengal Police had, in a measure, been ignored. He need not tell the Honorable and learned Vice-President that, in the course of the years 1857-58, very large charges had been incurred by the Government of India for improving the Bengal Executive Police. On the whole, taking the additional cost of mohurirs, jemadars, burkundazes, darogahs, and Deputy Magistrates, no less a sum than about Rs. 7,69,000 were sanctioned by the Government in those two years. At the same time the total charge in the Regulation and Non-Regulation Provinces of Bengal, exclusive of Deputy Magistrates, was about Rs. 13,30,000. The Commission drew up their recommendations in a series of propositions. The 25th proposition was as follows:—

"That in every district under the jurisdiction of one Magistrate, there should be at least one European Officer, to be styled District Superintendent of Police; who should be departmentally subordinate to the Inspector-General of Police, in every matter relating to interior economy and good management of the Force, and efficient performance of every Police duty; but bound also to obey the orders of the District Officers (that is, the Magistrate) in all matters relating to the prevention and detection of crime, the preservation of the peace, and other executive Police duties, and responsible to him likewise for the efficiency with which the Force performs its duty."

He heartily approved of it so far as it proposed to reorganize and reform the constitution of the Police, and to treat the whole Police as one body, not as now, as the Police of each district and each thannah separate from the Police of another.

Nothing was farther from his wish than to ignore what had been done in Bengal in the way of raising salaries and multiplying offices of trust. But if he could have gone more fully into the matter, he should have shown that beyond this what had been done was not altogether in accordance with the principles of this Bill. What was done was simply to superadd to the existing Rural Police, with all its vices and defects, certain semi-Military bodies imperfectly disciplined and very inadequately under the control of the Government. They were a loose and cheap and not a very good copy of the old Native Army, and performed no real Police functions, except those of a protective or repressive kind, for which the Native Army used to be employed.

Now it was a principle of this Bill that Military duties should remain in the hands of the Military officers of Government, and that there should be no Military or semi-Military body not directly responsible to the Commander-in-Chief of the Army, a principle on which alone it might be said that the Army could be expected to stand.

It might be said to be an impossibility to give a good Police to Bengal without additional expenditure. It was an expense however which the Government must face and provide for. Bengal had been worse provided for as regarded a Police than other parts of the country, and the Government of India felt that it owed a large debt to Bengal in this respect. a dense and peaceful population like that of Bengal was necessarily less expensive in the matter of Police than a country more thinly inhabited and peopled by some very unruly races like Madras.

But the general argument after all in favour of the measure was the financial argument. He would not repeat what had been lately said by the Secretary of State in Parliament, and by Mr. Wilson so often and so forcibly in that Council. Honorable Members were well aware that we had a large deficit to meet, which we could not do unless we made large reductions in our Civil expenditure, and the only portion of that expenditure which admitted of much immediate reduction was that on account of the Police. It was only by giving each Presidency a Police as efficient but less costly than it now possessed, that we could bring down our expenditure to a reasonable extent. We must remember that in this matter the necessities of Government were imperative. We must cut our coat according to our cloth. If we could have but one body to do a duty which had heretofore been performed by two bodies, the saving of expense was obvious.

The Commission had proposed a new constabulary force for the different provinces in India and the Government of India appointed Lieutenant-Colonel Bruce, C.B., temporarily Inspector-General of Police in India, to assist in the organization of this new force. Colonel Bruce submitted two reports concerning Bengal—

- (1) regarding the mufassal police, and
- (2) regarding the Calcutta police.

The general principles followed by Colonel Bruce were a concentration of the police into important posts properly officered, and the regular adjustment of the thana circles. In general he gave more officers but did not locate at thanas more men than were necessary for the performance of the police work. The rest were estimated in the reserve. Regarding village police, Colonel Bruce wrote as follows :—

The most important subjects for consideration, and action, is the present condition of the Village Police in the agricultural districts under the Government of Bengal. In cities and towns more is required of them, and I shall speak separately of this branch of the force hereafter. I think the fact of this ancient institution having gradually diminished in efficiency since we obtained possession of the country, can hardly be controverted, until at the present time it now stands upon the very verge of collapse. On rare occasions no doubt the present Village Police works well, but as a rule it may be said that if they keep clear of the penalties for neglect of duty, they do nothing more.

Local knowledge of persons and habits, such as the Village Police possess cannot be acquired by persons paid from the general revenues; who have not been habituated to such persons and places, from childhood and who are not accepted by the community as a part of the village institution.

The Police Commission of 1860 framed their propositions *re* village police on the following principles :—

- (1) In most parts of Bengal zamindars cannot by existing law be compelled to maintain the village police.
- (2) In Bengal a village police does exist, though hitherto scarcely recognized by law and most inefficiently maintained.

- (3) The only way to secure a proper maintenance of the village police is to provide an enactment whereby the Magistrates may be enabled to levy and collect from the village residents the fees and dues they now pay as remuneration for the village police; and where maintained by the zamindar, to secure to the village police enjoyment of the land assigned to him.
- (4) In no case can a new cess or tax be levied from the landholders of Bengal for village purposes.

Colonel Bruce considered that the greatest importance attached to a village system; few would be found to deny the importance of the co-operation of the agricultural community and this can only be gained by the connecting link of the village police, for, in the character and disposition of the village chaukidar there is a great deal which is, as it were, common to both parties. He is too much of a policeman to excite dread, whilst he is not too much of a raiyat to be treated by the police as one of the community. It is certain that, being acceptable to the people, he can do much more in the midst of a village community (where he is regarded as a part) than any regular policeman would be tolerated to venture upon.

Colonel Bruce stated that Municipal police arrangements in Bengal were very unsatisfactory, many citizens in towns contributing nothing whatever. He therefore urged that uniformity should be aimed at. Colonel Bruce maintained that all the police employed in duties, the performance of which is necessitated by the existence of the town, should be defrayed by the town and that it might be advisable to place under charge of the city police officer a tract of country round each town. Colonel Bruce advocated the organization of a railway police. He found the servants of the Companies attempting, without any law to back them, to do the work of the ordinary police and that the ordinary police had no chance of acting in a preventive capacity.

Colonel Bruce also recommended the reorganization of the Cantonment Police.

With reference to the Dacoity Department, Colonel Bruce agreed with the Lieutenant-Governor that it was out of the question to continue to uphold a system such as that which but lately existed, the Department had failed to make head against crime, and if the new police are to succeed at all, they should be prepared to deal with organized gang robberies as confidently as with other crimes. Colonel Bruce continued:—

I am also sure that the existence of anything like a special Department must be calculated to weaken the energies of the Ordinary Police by leading them to suppose that they are not so directly interested in the suppression of dacoity or responsible for its existence, as in the case of other crimes.

Hence His Honour thought it necessary to impose the duty of supervising the organization of the police for the suppression and detection of every kind of crime in one officer—the Inspector-General of Police, and Colonel Bruce went still further and adds the words “and the ordinary officers of the Police Department.”

Prior to the introduction of the constabulary there existed a small and inefficient police, for the guard of the river Hooghly and the network of creeks which intersect the Sunderbans in every direction. This force consisted of 5 boats for the Sunderbans and 12 for the river Hooghly. Colonel Bruce dealt in detail with the river police.

Originally there were nine Deputy Inspectors-General with jurisdictions continuous with the Commissioners. In 1862 the number was reduced to eight and in 1864 it was reduced to six. The Deputy Inspectors-General in Colonel Bruce's opinion were only required when the extent of the jurisdiction of the Inspector-General is so extensive that he cannot hope to accord more than a nominal superintendence.

Their duties “can be divided into two great parts. The first and most important—the suppression of crime; and secondly and really secondary, the maintenance of discipline. As regards crime, one main object of the separation of the Police from the Judicial Department, is that the police shall not be dependant on the instrumentality of the magistracy for the detection and

prevention of crime. The Deputy Inspector-General is the schoolmaster of the District Superintendents to instruct, advise and guide them. He takes care that every district in his division works with the other and not independently. He is kept perfectly informed of the state of crime in each district. He is, in the opinion of the Lieutenant-Governor, the backbone of the system. His position enables him particularly to study professional crime, tracing it from one district to another, and all this he does without in the least distressing his District Superintendent." Colonel Bruce considered five Deputy Inspectors-General necessary, including Assam.

As regards the constabulary, Colonel Bruce wrote :—

When the first constabulary was started it was found that neither the old burkundazes nor the local inhabitants presented themselves freely for enrolment and large bodies of men from the North-Western Provinces and even, I believe, the Punjab were consequently imported. Any one can prove how the efficiency of the Police force must be impaired when it consists chiefly of foreigners, and although the Government of Bengal has now placed a limit upon the admission of foreigners, I fear they still, in reality, greatly exceed the limited complement assigned. Even now Bengalees do not present themselves as they are expected to do for enlistment; and this fact has been mentioned as showing the necessity if not for actually increasing the pay of the constables, at any rate for not reducing it. I am not at all sure that high pay will not tend rather to exclude than to attract Bengalees, inasmuch as it might hold out greater advantages to the vast number of foreigners now in the police to draw towards it their own relatives, to the exclusion of the people of the locality.

It appears to me that no allowance ever seems to be made for the obstructive influences exercised by foreigners now in the force against the enlistment of Bengalees and likewise by the old burkundaze Police who do not yet despair of restoration to their original posts. Lastly there is a continuous influence of the whole of Magistrates' amlas against recruiting, for they formerly benefited by every enlistment.

I think it a great pity that things were first forced forward so rapidly, which caused the urgent drain for men to sap supplies from foreign parts, and as far as the future goes, we should be careful to correct the evil of having so many foreigners, even should our doing so for a time retard further progress.

CHAPTER X.

Mr. Beames' Committee, 1890-91.

In the early eighties the Government of India and the Government of Bengal had been examining the working of the police. The Lieutenant-Governor, after examining, in compliance with the instructions of the Government of India, the statistics of crime cognizable by the police between 1878 and 1888, had come to the conclusion that although crime generally had not been positively great in Bengal and had been decreasing relatively to the increase of population, yet certain offences had shown a tendency to increase; that an unduly large proportion of the crime actually occurring had not been brought to the notice of the police or of the Magistrates and had therefore never been enquired into; that the police enquiry into a large number of the cases taken up was fruitless, such cases never coming before the courts, and that a disproportionate number of the persons brought before the courts had been acquitted. The Government of India, after considering the special report from Bengal and similar reports from other Local Governments, came to the conclusion that the appointment of a General Commission to investigate the problem of police reform throughout India was advisable, but they left it to the Lieutenant-Governor, if he should see fit, to convene a Provincial Committee. Sir Stewart Bayley decided to appoint a Committee to enquire minutely into the causes of the imperfections admitted to exist, and to ascertain by what means, whether legislative or executive, remedies capable of being made practically effective could be devised and applied. The Committee consisted of experienced officials both from the executive and from the judicial branches of the service, and of gentlemen representing the views of the public. Mr. J. Beames, Commissioner of Bhagalpur, was appointed President of the Committee and started work in August 1890. Mr. J. F. Stevens, District Judge of Gaya, Mr. J. C. Veasey, Inspector-General of Police, Raja Peary Mohan Mukharji, and Mr. E. R. Macnaghten, Secretary of the Behar Planters' Association, were the other members, and Mr. H. H. Risley (afterwards Sir Herbert Risley) acted as member and Secretary. This Committee made the following recommendations regarding the "Regular Police" and "The Criminal Courts":—

- (1) No stoppages should be made from the pay of recruits on account of uniform and clothing allowances. A free kit should be given to them on joining.
- (2) No deductions should be made on account of the obsolete superannuation fund.
- (3) The fourth grade of constables on Rs. 6 a month should be abolished in the districts of Bengal Proper.
- (4) The existing practice of entertaining writer-constables should be discontinued.
- (5) The present system of town chaukidars should be retained.
- (6) The number of Head Constables should be reduced in consequence of the separation between the "literate" and "illiterate" branches [see article (7) below], and in consequence the lowest grade of Head Constables on Rs. 10 should be abolished, and there should be three grades—on Rs. 15, Rs. 20 and Rs. 25, respectively.
- (7) A distinction should be established between the "literate" and "illiterate" branches of the force. In the former should be placed Inspectors, Sub-Inspectors and probationers; in the latter, Head Constables and constables. Transfer from one branch to the other should be rare and quite exceptional.
- (8) The illiterate branch should be employed on guards, escorts, town duty, and work requiring a knowledge of drill and discipline; the literate branch on investigation of crime, detection and reporting, and generally on such work as requires some mental training and intelligence.

- (9) The present fifth grade of Sub-Inspectors on Rs. 30 should be abolished, and there should be four grades—on Rs. 40, Rs. 60, Rs. 80 and Rs. 100, respectively. Officers in the lowest of these grades should not be employed in the heavier posts.
- (10) Appointment to the rank of Sub-Inspector should be made direct. Candidates from Bengal Proper should have passed the First Arts Examination; those from Bihar and Orissa, the Entrance Examination. A system partly of nomination, partly of competition based upon the existing rules for the appointment of Deputy Collectors and clerks in the Secretariat is given in Appendix II. Successful candidates should be on probation on a monthly salary of Rs. 20 for twelve months, after which they should be required to pass an examination in police law and duties. On passing the examination their pay should be raised to Rs. 25 and they would then be eligible for promotion to the rank of Sub-Inspector as vacancies occurred.
- (11) The present fourth grade of Inspectors on Rs. 100 should be abolished, and there should be three grades—on Rs. 250, Rs. 200 and Rs. 150, respectively. Promotion to the first and second grades of Inspectors should be made by Government as at present, and to the third grade by the Inspector-General of Police. The proposal to promote Inspectors to be Deputy Magistrates is disapproved by the Committee: they should rather be rewarded by promotion to Assistant Superintendents of Police.
- (12) In the reserve force military titles, such as sepoy, havildar, jama-dar, and subadar, should be substituted for the civil designations of constable, head constable, Sub-Inspector and Inspector.
- (13) No officer below the rank of Sub-Inspector should hold charge of a police-station or investigate a criminal charge.
- (14) The duty of Public Prosecutor should be transferred to local pleaders, and the Court Sub-Inspector's duties should be confined to clerical work, such as attendance of witnesses, keeping up registers, and the like.

In regard to "The Criminal Courts," the Committee stated as follows:—

The nature of the subject renders it impossible for us to formulate in all cases distinct proposals such as have been made in respect to other branches of our report. Our enquiries have led us to the opinion that improvements in the working of the courts cannot entirely be effected by legislation, or executive order, but must be left to a great extent to the gradual operation of indirect measures of reform, such as better training and closer supervision of Subordinate Magistrates, the spread of intelligence and a higher moral standard among the people, the growth of greater confidence in the police on the part of both the public and the courts, which may be expected to result from the reforms advocated in Chapter II, and the increased efficiency of the reporting agency arising from the recommendations made in Chapter I. The following is, therefore, rather a summary of the contents of the chapter than one of recommendations, though it will be found that we have made recommendations wherever the nature of the subjects admits of our doing so:—

- (1) The chapter begins with the opinions of a number of officers consulted by Government before our Committee began its labours. These are of the most varied kind, but they agree generally in ascribing the defects in the working of the courts to insufficient supervision of Subordinate Magistrates; pressure of work, leading on the one hand to delay and on the other to cases being tried hastily and imperfectly; the low standard of public feeling in respect to crime; the untrustworthiness of the lower grades of the police; the numerical weakness of the magisterial staff; carelessness and timidity on the part of Subordinate Magistrates; and the influence of the local Bar in mofussil courts (paragraphs 125 to 127).
- (2) Then follow the opinions of gentlemen consulted by the Committee, which are in the main identical with those quoted above (paragraph 128).
- (3) We next consider the working of Sessions trials from an executive point of view, as exhibited in a series of extracts from the Annual Police Administration Reports for the past ten years. The inferences to be deduced from these remarks are treated later on in the chapter (paragraphs 130 to 142).
- (4) The subject is then considered from a judicial point of view in an abstract of remarks taken from the High Court's Annual Criminal Administration Reports for the same period. While the general tendency of the executive view is to attribute failure to an excessive adherence to technicalities

- on the part of Sessions Courts, the tendency of the judicial view is to attribute it to careless enquiries and commitments on the part of the Magistrates (paragraphs 143 to 161). *
- (5) The Annual Police Administration Reports are also quoted as blaming Magistrates for weakness, dilatoriness and proneness to award inadequate sentences (paragraphs 162 and 163).
 - (6) Having thus impartially stated the views of all classes, the report goes on to analyse the causes of the ill-success of criminal work in general. Under this head are noticed peculiarities of the people, false charges and false evidence, tampering with witnesses, and the dullness of intellect of the majority of witnesses of the lower classes. It is noted that the old school of ignorant mukhtars is dying out, and it is hoped that with them may die out many of those practices which make it impossible for the courts to receive with confidence the evidence put before them (paragraphs 164 to 168).
 - (7) The courts are also unable to place much confidence in the police. The reasons for this attitude are stated, and a hope is expressed that as the stamp of investigating officers improves, greater confidence will be accorded to them (paragraphs 169 to 172).
 - (8) Examples are then given of imperfections in the work of the investigating police which unfavourably affect trials, such as careless recording of the first information report, want of promptitude in taking up investigations, omission to send up important evidence, undue reliance on confessions. In this respect also the improvements recommended in Chapter II of our report may be expected to bring about a more satisfactory condition of things (paragraphs 173 to 175).
 - (9) The increasing strength and efficiency of the Bar as contrasted with the comparative weakness and inefficiency of the courts does, it is admitted, lead to an increase in the number of acquittals. The remedy for this state of things is to increase the efficiency of the courts (paragraph 176).
 - (10) Figures are given to prove that there has been of late years a deterioration in the quality of criminal work. A decrease in the percentage of convictions and an increase in the average duration of trials is clearly established by them (paragraphs 177 and 178).
 - (11) Among the causes of this deterioration we consider the method of recruitment of the Subordinate Executive Service. The system of competitive examination recently introduced appears to us to be excellent, but we think the Evidence Act should be added to the subjects to be taken up for examination (paragraph 180).
 - (12) The suggestion that European Assistant Superintendents of Police should be attached to the Subordinate Executive Service for a time does not meet with our approval. With regard, however, to the training of Deputy Magistrates, we propose that they should be kept in a state of probation for three months, during which time they should confine themselves to learning the routine of the courts and attending at criminal trials (paragraphs 181 and 182).
 - (13) In order to remedy the defects arising from the union of judicial and executive functions in the same hands, we recommend that at a headquarters station there should always be at least one Magistrate of the first class employed solely on criminal work, and we suggest that some officers of the Subordinate Executive Service might be permanently reserved for the trial of criminal cases (paragraph 183).
 - (14) In order that Subordinate Magistrates may feel that their success depends as much upon attention to their judicial as to their executive work, their merits in this respect should be reported on by the Sessions Judge, who should send a copy of his report to the Commissioner for incorporation in the annual report of the division (paragraph 184).
 - (15) After noting certain common faults of the magistracy, we go on to consider the question of supervision. This should be exercised in three ways by the Magistrate of the district—(i) by inspection of a return of under-trial prisoners to be submitted weekly; (ii) by inspection of the registers of each court; (iii) by the inspection of a certain number of records. The Magistrate of the district should also see all appellate judgments and revisional orders, and take steps to check any irregularities pointed out in them (paragraphs 185 to 190).
 - (16) In regard to Sessions trials, it is desirable that they should be held as soon as possible after the occurrence. The system of holding monthly Sessions should be introduced as far as practicable (paragraph 195).
 - (17) The power of holding investigations into cases triable by the Court of Session and of committing to the Sessions should be entrusted only to selected officers of the second class, in addition to those on whom the law confers it *ex-officio*, and not as at present to all Magistrates of the second class (paragraph 202).
 - (18) The advantages and disadvantages of the jury system are next enquired into, and figures are given to illustrate the working of the system. Some restriction of the system is desirable in Bengal, and we think that cases of murder

and culpable homicide should be excluded from its operation (paragraphs 204 to 209).

- (19) The working of the system of appeal is next examined, and tables given showing the results for the last ten years. The number of appeals has largely increased, while the number that is successful remains very small. The Crown should always be represented in appellate courts in all important cases. The operation of the revision system calls for no remarks (paragraphs 210 to 213).
- (20) In regard to prosecutions, a large number of opinions are quoted. In the High Court efforts should be made to secure the best legal talent on behalf of Government; but this is a question of money, which must rest with Government to decide. In Sessions Courts the Crown is generally fairly represented, though the Government Pleader is not always the best man at the local Bar. In appointing a Government Pleader the Judge should always be consulted (paragraph 217).
- (21) In the courts of Magistrates both in the sadar and at subdivisions, the best local legal practitioners should be engaged as legal advisers to the police and as Public Prosecutors. They should be remunerated by a regular monthly salary as well as by a daily fee when actually engaged in prosecution of cases (paragraphs 218 to 220).
- (22) In dealing with bad characters, Magistrates should be allowed perfect freedom of action, and the existing rules which direct that cases of bad livelihood should be taken up in the village where the accused resides should be abolished. This rule, we find, has led to very great delay in disposing of cases (paragraph 223).

Of the various recommendations made by the Committee, the following were given effect to at once :—

- (23) That no stoppages should be made from the pay of recruits on account of uniform and clothing allowances, and that a free kit should be given to them on joining.
- (24) That no deduction should be made on account of the obsolete superannuation fund.
- (25) That the fourth grade of constables on Rs. 6 a month should be abolished in the districts of Bengal Proper.

The cost involved in the above changes was Rs. 1,71,417.

The other recommendations were classified by the Government of Bengal in its Resolution No. 4298 J., dated the 28th November 1891, under three main heads, viz., (I) Village Police, (II) The Regular Police, (III) The Criminal Courts.

Most of the recommendations falling under class I (Village Police) depended upon fresh legislation. Those relating to the raising of the pay of *chaukidars* and their muster parades which could be given effect to by executive orders formed subjects of further enquiries. Those relating to the resumption of *chakaran* lands were accepted, while enquiries were set on foot in regard to certain other classes of rural officers, e.g., *ghatwals*, *paiks*, and *phanidars*. Reference has been made to these changes in the chapter on Village Police.

The reorganization of the village police is still in progress.

In regard to the Committee's recommendations under class II (The Regular Police), the Government of Bengal appointed another Committee composed of Mr. (subsequently Sir Henry) Cotton as President and Mr. J. C. Veasey (Inspector-General of Police) and Mr. A. V. Knyvett (Superintendent of Police) as members to work out for each district definite proposals for the redistribution of the force, including the substitution of Sub-Inspectors for Head Constables employed on investigating work. Mr. (now Sir Edward) Henry, the then officiating Inspector-General of Police, also assisted the Committee in making the enquiries. Mr. Knyvett acted as Secretary to the Committee. The report was received by Government in July 1892. It was prepared in direct personal communication with the Lieutenant-Governor of Bengal and had his approval. Briefly the recommendations of this Committee were as follows :—

- (a) The average number of investigations per head of the investigating officers should be about one hundred, including miscellaneous enquiries.
- (b) That the officers in charge of police-stations should get charge allowances at Rs. 20, Rs. 15 and Rs. 10, respectively, a month at 1st, 2nd and 3rd class investigating centres.

- (c) That a certain number of Head Constables may be retained on the investigating staff and that all such Head Constables, excepting those in charge of outposts, should get a pony allowance of Rs. 5 each a month.
- (d) That Court Sub-Inspectors should be relieved of routine duties in order that they may devote themselves to the prosecution of cases and that they should get a special allowance of Rs. 20 at the District headquarters and Rs. 10 at Subdivisional headquarters.
- (e) That there should be a Reserve Force of 15 per cent. over the staff on fixed duties with a view to supplement officers and men absent on privilege leave, medical leave, furlough, etc.
- (f) That there should be a " Special Reserve " at each District headquarters sufficient to put down all riots and local disturbances.
- (g) That Sub-Inspectors should be appointed by a system of modified competition.

The proposals regarding the recruitment of Sub-Inspectors by competitive examination was introduced at once. The redistribution of force proposed involved an increase of 717 Sub-Inspectors and 1,126 constables and a decrease of 652 Head Constables. The additional expenditure (including cost of allowances recommended) was estimated at Rs. 5,62,545 and the changes were introduced gradually in ten years as funds were allotted. The scheme did not come into full effect till 1902-03, the year when the report of the Indian Police Commission was published

CHAPTER XI.

The Commission of 1902-03.

Police administration early attracted Lord Curzon's attention. In his third Budget speech he referred to the reform of the police as a matter of anxious preoccupation to the Government of India. He said that grave abuses had crept into this branch of the service and were responsible for administrative and judicial shortcomings that were generally deplored, besides producing a widespread and legitimate discontent. A year later he informed the Council that the Government of India had sent home proposals to the Secretary of State for the constitution of a Commission to concentrate into final shape and conclude the independent inquiries that the Government of India had been making but that were then somewhat lacking in consistency and unity, because of the very varying aspect of the problem in the different provinces. The Commission assembled in October 1902 and their report was submitted in May 1903.

The terms of reference were as follows :—

- (I) whether the organization, training, strength, and pay of the different ranks of the District Police, both superior and subordinate, foot and mounted, whether on ordinary duty or in the reserve are adequate to secure the preservation of the public peace and the proper investigation and detection of crime, and, if not, what changes are required in them, respectively, in each province with regard to its local conditions, in order to attain these objects;
- (II) whether existing arrangements secure that crime is fully reported or require to be supplemented in any way; and, in particular, whether the village officers and the rural police in each province are efficient aids to the District Police in the matter of reporting crime, and, if not, how the relations between the former and the latter can (subject to the condition that the rural police in each province must not be enrolled under the Police Act) be improved;
- (III) whether the system of investigating offences now in force in each province—the object being to provide for the full investigation of all serious crime, while avoiding interference by the police in trivial matters—is capable of improvement, and, if so, in what manner; and whether the institution of fully organized Criminal Investigation Departments, either Imperial or Provincial, is recommended;
- (IV) whether the form of statistical returns now adopted is satisfactory or capable of improvement, and whether the use to which such returns are now put as tests of police working is appropriate or not;
- (V) whether the general supervision exercised by the magistracy over the police, and the control of the superior officers (including Inspectors) over the investigation of crime are adequate to prevent oppression on the part of the subordinate police; and, if not, how they can be made so;
- (VI) whether the existing organization of the Railway Police, its operation as between provinces and States and its connection with the District Police are in a satisfactory condition, and, if not, what improvements can be effected; and
- (VII) whether the career at present offered to natives in the police in each province is sufficiently attractive to induce the proper stamp of men to enter it; and, if not, what steps can be taken to remedy this evil consistently with the recognized measures of necessity for European control in the district charges.

The first chapter of the report sketches in broad outlines the history of police organization in India. It shows how the indigenous system of police, based upon the responsibility of the landholders or the village communities, were gradually modified by the progressive intervention of the State; how a series of experiments in different provinces culminated in the comprehensive reorganization effected by the Police Commission of 1860; and how the arrangements then introduced and improved from time to time, as provincial resources admitted, fall short at the present day of the higher standard of efficiency which modern conditions demand.

The second chapter entitled "Popular opinion regarding the police and their work," is a conspicuous instance of the candour which is a notable characteristic of the report. The Commission begin by quoting the late Sir

John Woodburn's opinion that the investigating staff (Sub-Inspectors and head constables) is "dishonest and tyrannical." In this opinion they "emphatically record their full concurrence." The five paragraphs that follow develop the general proposition that the police are dishonest and tyrannical, into a number of particular charges against all grades of the native service. It is shown how constables extort money when making enquiries on beat, when investigating cases, and by arresting respectable people for committing nuisances; how head constables and Sub-Inspectors can, and frequently do, levy fees for all acts done in their official capacity; how every investigation yields a rich harvest to the police officer conducting it, more especially if it relates to valuable property like the alluvial lands on the great rivers of Bengal where the shifting of the stream is constantly bringing titles into dispute; how complainants, witnesses and accused are bullied into saying what the police wish them to say, and how an enquiry into a case results in the harassment and annoyance of all the decent people in the village. Even the Inspectors are only "less dishonest than the grades below," and their reputation is such that respectable parents are unwilling to allow their sons to accept direct appointments to that rank. As regards the European Superintendents, the Commission observe that they are, "with the rarest exceptions, upright men beyond the influence of corruption." But they are described as having in many cases an imperfect acquaintance with the vernacular; as being out of touch with the people, especially with the respectable classes; as paying insufficient regard to public opinion, and as failing to realize the importance of their own duties.

The Government of India, while accepting this as popular opinion, considered it required modification as matter of fact.

For convenience of reference I reproduce below the most important of the recommendations of the Commission :—

I.—ORGANISATION.

(a) District Police.

(1) That the police force should consist of (a) a European Service, to be recruited entirely in England; (b) a Provincial Service, to be recruited entirely in India; (c) an Upper Subordinate Service, consisting of Inspectors and Sub-Inspectors; and (d) a Lower Subordinate Service, consisting of head-constables and constables.

(2) That the office of Inspector-General should ordinarily be held by a selected District Magistrate, and that the Inspector-General in Bombay should be given the same powers as are exercised by Inspectors-General in other provinces.

(3) That all the large provinces should be divided into ranges, and that a Deputy Inspector-General should be placed in full administrative charge of each range.

(4) That no officer of lower grade than that of Superintendent should be placed in charge of the police of a district.

(5) That a certain number of Superintendentships should be reserved for members of the Provincial Service.

(6) That for some of the large districts in Madras and for Khandesh in Bombay two Superintendents are required.

(7) That on the analogy of the Provincial Civil Service a grade of Deputy Superintendents should be created, the status of these officers being the same as that of Assistant Superintendents.

(8) That there should be one Assistant or Deputy Superintendent in every district, and that in the larger districts one or more additional officers of this class should be appointed to hold charge of a subdivision.

(9) That each district should be divided into circles consisting, as a rule, of from 5 to 8 police-stations, except in the case of large towns, when the town and its environs should form one circle.

(10) That an Inspector should be placed in charge of each circle to supervise all police work within it.

(11) That the ordinary area of a police-station should be about 150 square miles.

(12) That the officer in charge of a police-station should be of the rank of Sub-Inspector, and that where the work of investigation is heavy, one or more additional officers of this rank should be appointed in order to obviate the necessity of employing any officer of lower rank in investigating offences.

(13) That one head-constable should be attached to every police-station to perform the duties of station-writer.

(14) That the establishment of a police-station should also contain a second head-constable to render general assistance to the Sub-Inspector, but not to undertake the investigation of any offence independently of that officer.

(15) That the duties of constables should be of a mechanical character, such as escorts, guards, patrols and the like, and that they should be employed on the more responsible duties of the police only under the direct orders of some superior officer.

(16) That there should be for each district, or in some cases for each group of districts, a force of armed police sufficient to deal with tumults and local disturbances, a fixed portion of this force being kept in reserve always ready to proceed to any place where it may be needed.

(17) That this Headquarters Force should be in charge of a European Inspector assisted where necessary by a European sergeant.

(18) That the division of the police into armed and unarmed branches is undesirable.

(19) That the military police in Bengal should be abolished.

(20) That mounted police are very expensive and should not be employed unless necessity for them is clearly established.

(21) That European sergeants are required for cantonments, sea-ports, large railway stations and other places where the police may have to deal with Europeans. They are also needed in some cases to stiffen the armed Headquarters Forces. They are unsuitable for employment in the interior.

(b) Railway Police.

(22) That, with few exceptions, the limits of the jurisdiction of the railway police forces should be coterminous with the limits of the provinces.

(23) That the organization of the railway police should follow the lines recommended for the district police.

(24) That the duty of the railway police should be confined to the maintenance of law and order, and that they should not undertake the duty of watch and ward.

(25) That a constable or head-constable should travel in every passenger train.

(26) That the railway police should not be required to investigate cases of shortage or missing goods, unless they have reason to suspect the commission of a cognizable offence; or to examine the seals on goods wagons.

(c) River Police.

(27) That for the prevention and detection of serious crime on the navigable rivers in Bengal and Assam a separate river police force under a Superintendent is necessary.

(d) Municipal and Cantonment Police.

(28) That no separate police forces should be maintained for municipalities and cantonments, and that where payment for such police is now made from municipal or cantonment funds the charge should be transferred to provincial revenues, which should be relieved of equal expenditure on some other branch of the municipal or cantonment administration; but these recommendations do not apply to the presidency towns, which may require separate treatment.

(e) Police of the Presidency Towns and Rangoon.

(29) That the complete separation which now exists between the city and district police does not conduce to systematic co-operation between two forces and leaves the Inspector-General in ignorance of the police work in the most important charge in the province.

(30) That if the Commissioner of Police is placed under the Inspector-General, the former must retain much larger powers of discipline and control than are accorded to District Superintendents.

(31) That the Commissioner of Police should be graded as a Deputy Inspector-General.

(32) That the office of Deputy Commissioner as now constituted should be abolished.

(33) That the present class of Superintendents should be abolished, their place being taken by a small number of officers of the rank of District Superintendent, who should be deputed for duty in the city.

(34) That in respect of the lower ranks, the organization should be similar to that of the district police, but that a larger proportion of Europeans is necessary.

(f) Criminal Investigation Departments.

(35) That there should be constituted in each province a Criminal Investigation Department for the purpose of collating and distributing information regarding organized crime, and to assist in the investigation of crimes when they are of such a special character as to render this assistance necessary.

(36) That in all the larger provinces the head of this department should be an officer of the rank of Deputy Inspector-General, who should also have the administrative charge of the railway police of the province.

(37) That he should have a Personal Assistant of the rank of District Superintendent.

(38) That the work now done by the Secretariat Police officer should be transferred to the Criminal Investigation Department, which would also include the Provincial Finger Print Bureau.

(39) That there should be a similar department for the whole of India, presided over by an officer of the standing and experience of an Inspector-General.

(40) That the functions of this Central Department should be to collect, collate and communicate information obtained from the Provincial Criminal Investigation Departments or otherwise.

(41) That its intervention in the investigation of offences should ordinarily be confined to such special technical crimes as note forgeries, but that it should also assist local authorities by obtaining for them the services of officers acquainted with the *personnel* or methods of criminals who come from outside the province.

(42) That the central agency should be brought into connection with the police of the Native States for the purpose of obtaining full information regarding the commission of organised crime therein.

II.—RECRUITMENT AND TRAINING.

(43) That the recruitment of the European Service should be by competitive examination in England, on the same conditions as at present, except that the age limits for candidates should be 18 to 20.

(44) That successful candidates should be required to undergo a two years' course of training at an English residential university where there is a Board of Indian Studies, each candidate receiving an allowance during this period of £100 a year; and that the course of study should include criminal law and practice, taking of notes of cases in the criminal courts, an Indian vernacular, Indian history, geography and ethnology and riding. Probationers should also be required to join a volunteer corps and become efficient.

(45) That in addition to this probationary training in England each Assistant Superintendent should on arrival in India be attached for one session to the provincial training school.

(46) That the provincial service should be recruited in respect of one-half of the vacancies by the promotion of carefully selected Inspectors; and in respect of the other half by the selection of natives of India who have qualified for the provincial service in the Revenue, Judicial or Police Departments, or by the appointment of any Native officer already employed in such provincial service.

(47) That any selected candidate who has had no police experience should undergo a course of training at the provincial training school.

(48) That the recruitment of Inspectors should ordinarily be by the promotion of selected Sub-Inspectors, but that in respect of not more than 20 per cent. of the vacancies the Government should reserve to itself the power to make direct appointments, men so appointed being sent to the provincial training school for a course of instruction.

(49) That, save in exceptional cases, the promotion of Sub-Inspectors should be by direct appointment, and that promotions of head-constables to this rank should be strictly limited, and should in no case exceed 15 per cent. of the vacancies.

(50) That probationers should be selected from a general list of candidates, compiled by the Inspector-General of Police from lists prepared by Commissioners of Divisions, with the assistance of District Magistrates and Superintendents of Police.

(51) That no person should be eligible for entry in these lists, unless he is of good moral character and social position, possesses the necessary educational qualification, which shall in no case be lower than the University Matriculation or School Final Examination, is between the ages of 21 and 25 years, and is physically fit for Police Service.

(52) That a Provincial training school should be established in each of the larger provinces for the training of Police officers of and above the rank of Sub-Inspector.

(53) That the Principal of this school ordinarily be a carefully selected Superintendent of Police, assisted by a competent and adequate staff of instructors.

(54) That the course of instruction should include Criminal Law and the Law of Evidence, Police Procedure and Practice, and the habits and customs of the criminal classes; that arrangements should be made for giving practical training in station-house work; and that special instruction should be given in regard to the manner in which Police officers should conduct themselves towards the public.

(55) That the recruitment of head-constables should be by promotion from the ranks, except where it is impossible to find among the constables a man qualified for the post of station-writer.

(56) That constables should be recruited locally so far as is possible; that recruitment should be confined to the classes which are usually regarded as respectable, care being taken to ascertain that the candidates are of good character and antecedents. Members of the criminal classes should not be enlisted.

(57) That a due proportion should be maintained between the importance attached respectively to physical and educational standards, with a view to increasing the number of literate men in the force.

(58) That for the training of constables central schools should be established for groups of districts; that each school should be under a Deputy or Assistant Superintendent, assisted by a staff of Inspectors and Sub-Inspectors; that the course of training should extend over six months, and should include instruction in drill, discipline, elementary law and police procedure, and the manner in which Police officers should conduct themselves towards the public.

III.—PAY.

(59) That the minimum pay of constables should be fixed for each province or part of a province at a rate which will give a reasonable living wage for a man of the class required; that in no province should this minimum pay be less than Rs. 8 a month, while in Burma it should be about Rs. 12.

(60) That after three years of approved service the pay should be raised by one rupee per mensem, after a further period of five years by another rupee, and after seven years more by a third rupee: in Burma the increment should be Rs. 2, instead of Re. 1.

(61) That good conduct allowances should be abolished, and that specially good service should be rewarded by entries in the character book or long roll, by good service stripes, or by money rewards.

(62) That head-constables should be divided into three grades, carrying pay at Rs. 15, Rs. 20 and Rs. 25 a month, respectively.

(63) That Sub-Inspectors should be divided into four grades on salaries of Rs. 50, Rs. 60, Rs. 70, and Rs. 80; that they should also receive a horse allowance of Rs. 15 a month, but no special allowance for the charge of a police-station; that while at the school they should receive Rs. 25 a month and no horse allowance; and that they should be given a reasonable advance for the purchase of a horse, uniform and accoutrements.

(64) That Inspectors should be divided into four grades on Rs. 150, Rs. 175, Rs. 200 and Rs. 250.

(65) That Inspectors in charge of rural circles should receive travelling allowance at the rate of one rupee per diem, and that all other Inspectors should be given a horse or conveyance allowance of Rs. 15 per mensem.

(66) That Deputy Superintendents should be divided into four grades, carrying salaries of Rs. 250, Rs. 300, Rs. 400 and Rs. 500 a month.

(67) That Assistant Superintendents should be divided into three grades, on Rs. 300, Rs. 400 and Rs. 500 a month, respectively.

(68) That Superintendents in the Provincial Service should be graded on salaries of Rs. 600, Rs. 700, Rs. 800 and Rs. 900 a month.

(69) That Superintendents of the European Service should be divided into five grades, with salaries of Rs. 700, Rs. 800, Rs. 900, Rs. 1,000 and Rs. 1,200 a month; but that no Superintendent should receive promotion to the Rs. 900 grade, if he is considered unfit to hold charge of the police of any of the more important districts.

(70) That Deputy Inspectors-General should be divided into three grades, on Rs. 1,500, Rs. 1,750, and Rs. 2,000 a month, respectively, and that these officers should be eligible for the special pension of an additional Rs. 1,000 a year provided for in the Civil Service Regulations.

(71) That the pay of the Inspector-General in the larger provinces should be fixed at Rs. 2,500—100—3,000, so as to secure his retention in the office for a considerable period; that in Assam and the Central Provinces the Inspector-General should receive a local allowance of Rs. 250 a month in addition to his salary as a member of the Commission; and that the Inspector-General of the North-West Frontier Province should be given the pay of a Deputy Inspector-General of the first class, namely Rs. 2,000 a month.

(72) That free quarters should be provided for every police officer of or below the rank of Sub-Inspector; the quarters now provided are in many cases unsuitable, and in some instances are unfit for human habitation.

(73) That all officers should be entitled to retire on full pension after 25 years' service, and that the Government should be empowered to dispense with the services of any officer after that period of service.

IV.—STRENGTH.

(74) That the police forces are at present inadequate in every Province and must be increased.

(75) That a reserve is required to supply men for the vacancies caused by casualties; that in the case of the European superior staff this should be provided in the rank of Assistant Superintendent, while for the Provincial and Upper Subordinate Service it should be provided in the rank of Sub-Inspector and should be fixed at 14 per cent. of the total strength of those services; that for European Inspectors and Sergeants it should be provided in the lower rank at 10 per cent. of the total strength; and that for constables and head-constables it should be provided by an addition to the rank of constable of 15 per cent. of the total strength of both constables and head-constables.

V.—DISCIPLINE.

(76) That the District Magistrate should not interfere in matters of discipline which should be left entirely to the officers of the force, but the Magistrate should have power to direct the Superintendent to make an enquiry into the conduct of subordinate officers, and if he is not satisfied with the result of that enquiry, he should be at liberty to bring the matter to the notice of the Deputy Inspector-General or Inspector-General.

(77) That no officer of rank below that of Superintendent should be empowered to inflict any punishment except extra drill and confinement to quarters.

(78) That evidence of general repute should be admissible to prove a charge of corruption.

(79) That removal from service upon reduced pensions or gratuities should be permissible in the case of officers who are proved to be inefficient.

VI.—VILLAGE POLICE.

(80) That it is of paramount importance to develop and foster the existing village agencies available for police work.

(81) That the responsibility of the village headman for the performance of the village police duties should be recognized and enforced in every province; and that the village watchman must be a village servant subordinate to the village headman and not to the regular police.

(82) That the supervision and control of village headmen should be entrusted to the Collector or Deputy Commissioner and his subordinate officers.

(83) That the regular periodical attendance of village watchmen at the police-station is unnecessary and undesirable.

(84) That it is expedient to relegate the trial of petty offences to village headmen or punchayats, and that where this system does not exist it should be cautiously and experimentally introduced.

VII.—RELATIONS BETWEEN THE MAGISTRATES AND POLICE.

(85) That Divisional Commissioners should not interfere directly in the details of police administration, but that their responsibility should be limited to the duty of supervising and advising District Magistrates.

(86) That the responsibility of the District Magistrate for the criminal administration of the district must be preserved, and that he must, therefore, be given authority over the police; but that this authority should be of the nature of general control and direction and not a constant and detailed intervention.

(87) That whenever a District Magistrate has been compelled to take an active part in the investigation of any case, he should not try the case himself.

(88) That if a District Magistrate receives a report from the police that in any case there has been or is likely to be a failure of justice and he sees reason to interfere, he should proceed in open court in accordance with the provisions of the law.

(89) That as regards other Magistrates, it is desirable to impress on their attention that the law provides that their connection with a case shall begin from the receipt of the police report containing the first information regarding it and continue to the end.

(90) That it is the duty of the Magistrate to examine the reports which from time to time he receives under the provisions of the Criminal Procedure Code, and that he must make every effort to discover the truth.

(91) That strictures on a police officer should be recorded in a separate note, unless his misconduct is established after his explanation has been heard, or unless reference to it in the judgment is necessary for the elucidation of the case.

VIII.—PREVENTION.

(92) That proof of previous convictions which would render section 75 of the Indian Penal Code applicable should be permitted at any time before the release of the offender, and that the law should be amended to secure this.

(93) That the Code of Criminal Procedure should be amended so as to allow of any first class Magistrate being invested with powers under section 30 in respect of the trial of old offenders.

(94) That enquiries into cases of bad livelihood should invariably be held in the village of the person against whom information has been received.

(95) That section 565 of the Code of Criminal Procedure should be amended, so as to forbid a person under police supervision to absent himself from his home without first reporting his intention to do so; and that the maximum penalty for breach of the rules under that section should be raised to imprisonment of either description for one year.

(96) That a provision should be inserted in the Criminal Tribes Act authorising the simple registration of notified criminal gangs, and the taking of the finger impressions of the adult male members; that full information be collected about all criminal tribes and gangs as a preliminary to dealing with them more effectually than at present; and that it is essential to the success of any such measures that they should be extended to Native States.

(97) That police surveillance over criminals should be confined to those who are really dangerous, and that a uniform system of history sheets, surveillance, registers and reports of movements of habitual criminals should be established for the whole of India.

(98) That the present system of beats lowers the position and weakens the authority of the village headmen, and should be abolished; and that the visits of police constables to villages should be only for the purpose of obtaining specific information.

(99) That the lighting of streets in Municipal towns everywhere calls for improvement.

(100) That for the purpose of suppressing cattle theft, the offence defined in section 215 of the Indian Penal Code should be made cognizable; and that the voluntary registration of sales of cattle and the grant of passes or certificates of ownership by the village headman should be encouraged.

IX.—INVESTIGATION OF OFFENCES.

(101) That the investigation of offences should be made "on the spot"; that is, at the place most suitable for its success and for the convenience of the people.

(102) That the discretion given by clause (b) of the proviso to section 157 of the Code of Criminal Procedure should be exercised subject to the following general principles:—(1) No investigation should be made in any case which, after consideration of the complaint and anything which the complainant may have to say, seems to fall under section 95 of the Indian Penal Code; (2) no investigation should be made in any case where the complaint shows that the complainant is apparently seeking to take advantage of a petty or technical offence to bring into the Criminal Courts a matter which ought properly to be decided by the Civil Courts; (3) no investigation should be made into any case which the village Magistrate or headman or other village tribunal is empowered under any local law to deal with and dispose of; and (4) in cases other than those of the three classes specified above, the police officer should ordinarily make investigation if the complainant so desires, but he should not enter on an investigation if the injured person does not wish for one, unless the offence appears to be of a serious character, or the offender is a habitual criminal.

(103) That the offences punishable under sections 341, 342, 374, 406 and 447 should be made non-cognizable.

(104) That the power to arrest without warrant persons who within the view of the police officer commit what may be generically termed "nuisance cases," which is given by section 34 of the Police Act (Act V of 1861) and by the Municipal Acts of most provinces, should be withdrawn, the police being left to deal with such offenders under the provisions of section 57 of the Code of Criminal Procedure.

(105) That it should be clearly laid down, by the enactment, if necessary, of a proviso to section 157 of the Criminal Procedure Code, that the police officer receiving information of a cognizable offence is not compelled to make an immediate arrest of the offender; that in cases in which there is no reason to believe that the accused will abscond, it may sometimes be wise to apply in the first instance to the Magistrate, who may issue either a warrant or summons as he sees fit.

(106) That the discretion given by the law regarding the taking of bail in non-bailable cases is not sufficiently or generally realized. The existence of reasonable suspicion against any person justifies his arrest (section 54 of the Code of Criminal Procedure), but that there must be "reasonable ground for believing that the accused has been guilty of the offence" to justify refusal of bail (section 497).

(107) That the power of taking bail given to an officer in charge of a police-station by sections 169, 496 and 497 of the Code of Criminal Procedure should also be given to an officer making an investigation.

(108) That the power to depute a subordinate to make an arrest which is given by section 56 of the Code of Criminal Procedure to the officer in charge of a police-station should also be given to any officer conducting an investigation.

(109) That the use of handcuffs and other forms of restraint and restrictions as to food, clothing and visits of relatives and legal advisers, in the case of a person under arrest but not proved guilty, should be limited to what is reasonably necessary to prevent escape or the evasion of justice.

(110) That the detention of suspects without formal arrest is illegal, and must be rigorously suppressed.

(111) That the law should be amended so as to render it possible to enforce the obligation to answer questions imposed by sub-section 2 of section 161 of the Code of Criminal Procedure.

(112) That in all important cases the Magistrate should peruse the diary prepared under section 172 of the Code of Criminal Procedure; statements recorded under section 162 (1) should not be entered in this diary, which should contain only the purport of the information given by each witness.

(113) That the practice of working for or relying on confessions should be discouraged in every possible way; and that confession should be recorded only by a Magistrate having jurisdiction to enquire into or try the case.

X.—PROSECUTION.

(114) That in every Sessions Division, and in every district where the Sessions Division includes more than one district, a qualified member of the local Bar should be appointed a Public Prosecutor for the conduct of important cases; and that such appointment should be for a term of years.

(115) That for every district a Police Inspector should be appointed a Public Prosecutor for the conduct of cases in the magisterial courts, that he should be assisted where necessary by one or more Sub-Inspectors, and that at the headquarters of each magisterial subdivision a Sub-Inspector should be appointed as Public Prosecutor for the courts in that subdivision.

(116) That these Prosecuting Inspectors and Sub-Inspectors should not be required to perform ministerial duties in connection with the courts, or clerical work in connection with ordinary police.

(117) That section 337 of the Code of Criminal Procedure should be amended so as to allow the tender of pardon in all cases triable by the Court of Session, instead of, as at present, only in those exclusively triable by such a Court.

(118) That the postponement and adjournment of cases causes grievous hardship to parties and witnesses, and serious injury to police work.

(119) That the scriptory work of police officers should be reduced as much as possible, and that the statistical returns should be limited as recommended in the appendices.

(120) That police work should not be judged by statistics, but by local instruction and inquiry.

(121) That Superintendents should, as far as possible, be relieved of work in connection with accounts.

(122) That miscellaneous work not connected with proper police duties should not be imposed on police officers.

XI.—MISCELLANEOUS.

(123) That there should be a single Police Act for the whole of India.

(124) That the Police Manuals of every province require to be largely reduced in bulk, and that that portion of each Manual which is of general application should be prepared under the instructions of the Government of India.

(125) That there should be greater uniformity of nomenclature as regards both the personnel of the Police Department and its records.

(126) That there should be periodical conferences between the Inspectors-General of the different provinces.

(127) That the Government of India should supplement their occasional reviews of the annual Police Reports by a quinquennial review of police work for the whole of India.

The concluding paragraph of the report is quoted below :—

201. These are the recommendations which the Commission submit for the consideration of the Government of India. They have endeavoured, in the course of an inquiry conducted in every province of India, to ascertain the state of the Police force and the feeling of the country in regard to it. They have received the evidence not only of witnesses who have been recommended to them either as possessing some considerable knowledge of the subject, or as representing some particular class of the community or some phase of public opinion, but also of witnesses who have come forward in response to a general invitation of the fullest and freest character. They believe that, in that evidence, public opinion has been as completely set forth, and the views of all classes as to the need of reform and the principles on which reform should be effected have been as fully represented as possible. They have carefully discussed with representative witnesses of all classes both the causes which have conduced to the prevailing defects in the Police administration and to the present attitude of the people towards the police, and also the various remedial measures which have occurred or been suggested to them. They have carefully considered all the evidence before them at special meetings held for that purpose at the close of their tour in each province, and at a series of meetings held at Simla on the conclusion of their inquiry. The result of their labours and deliberations is now submitted in this report. They are unanimous in their views and in their proposals, except that the Maharaja of Darbhanga differs from them on two points, to which reference has already been made. There can be no doubt whatever that the evidence laid before the Commission has fully established the necessity for the inquiry which has been instituted. The Police force is far from efficient; it is defective in training and organisation; it is inadequately supervised; it is generally regarded as corrupt and oppressive; and it has utterly failed to secure the confidence and cordial co-operation of the people. The proposals for reform submitted by the Commission are not, however, of a revolutionary character. They do not involve a complete subversion of the present system, though they aim at its radical amendment. They consist mainly in suggestions for the maintenance and development of indigenous local institutions, so as to obviate the vexatious interference of the police in cases of little importance and to promote the co-operation of the people with the police in those of a more serious character; for the restriction of the lowest classes of officers to the discharge, under closer supervision, of those more mechanical duties for which alone they are qualified; for the conduct of investigation by trained officers drawn from the better educated and more respectable classes of the community; for inspection of police work by carefully selected and trained officers of capacity and tried integrity; for supervision and control by the best European and Native officers available and for organised and systematic action against organised and professional crime. They aim also at the removal of abuses which have been brought

to light in connection with police work; at the employment of native agency to the utmost extent possible in each province without seriously impairing the efficiency of the service; at the attraction to the service of good Native officers by offering them suitable position and prospects; at the recruiting of superior European officers of a higher class and insisting on their coming more into touch with the people; and at the adoption on the part of the whole force of a more considerate attitude towards all classes of the community so as to secure as far as possible the confidence and co-operation of the people. The Commission are not sanguine enough to believe that their proposals, even if fully adopted, will result in the immediate removal of all cause of complaint. These reforms can in any case be only gradually introduced; and years must pass before their full effects are realised. Inferior men have to be got rid of in all ranks; and evil traditions have to be broken in the force. The attitude of the people towards the police, and public opinion in regard to unrighteousness and corruption, have to be raised. All this must be, before the objects aimed at can be satisfactorily achieved. Of this the Commission are fully aware; and the members can hardly expect themselves to see the full introduction of all the reforms they propose, still less to see their full results in improved Police administration. But even a generation of official life is a short period in the life of a people; and the Commission believe that, before that period expires, very substantial advantages will have resulted from reforms carried out somewhat on the principles they recommend. What is required is the definite adoption of a policy based on such principles, and determined persistence in giving it effect. The Commission are confident that the recommendations they make, if accepted and persistently enforced, will result in inestimable advantage. They are encouraged in their confidence by the result of the application of similar principles in England. The Report of the English Police Commission, presented to Parliament in 1839, contains a melancholy picture of the state of the English police and of the attitude of the people towards them. The principal remedies proposed in that report are very similar in aim to some of those now submitted to the Government of India; and the comparison of the state of the English police and their relations with the people now with those of sixty years ago give great ground for hope. The Commission are encouraged also by their own experience, as well as the evidence they have received, of the great improvement in the Indian Judicial and Revenue Departments, where principles such as some of those which they advocate have been applied. The character of the officers has been raised; the whole tone of the services has been improved; the confidence of the people is being more and more secured; and public opinion itself is higher in respect of the matters with which these officers deal. The Commission, therefore, make their recommendations in a hopeful spirit. They realise that they involve large expenditure; but they feel that the Police Department, which so nearly concerns the life of the people, has hitherto been starved; that the reforms they propose are absolutely essential; and it is well worth while to pay for them the price required.

CHAPTER XII.

The History of the Village Watch.

It has often been supposed that the present village watch is a very ancient institution. Mr. McNeile's researches,* however, proved that in Bengal this is a misapprehension. Only a very small portion was connected with the ancient village system. Whatever village watch existed previous to the Muhammadan invasion, received a rude shock from the change in the revenue system introduced by the Moghal Emperors; and in Northern and Eastern Bengal large tracts were then uninhabited. In the Burdwan Division the ancient system of village watch was not entirely swept away: in Murshidabad district there are traces of it and possibly it existed at one time in Jessore and Nadia; but in the rest of the Presidency Division and in Dacca and Chittagong and Rajshahi any traces have disappeared. In all these areas the village watch is the creation of the British Government.

The village watchman was in ancient times an officer maintained by the village community in which he lived, and his duty was to guard the persons and property of the villagers from attacks by dacoits and thieves. As a rule the watchman himself belonged to one of the thieving gangs and his employment has an appearance of blackmail. The watchman received for his support small parcels of land which the villagers allowed him from the areas for which they paid rent, and he had various perquisites. The village watchman, however, was a public servant entrusted with public duties; he was not the private servant either of the rent receiver or of the rent-paying villagers who supported him.

When the Muhammadan system was introduced, zamindars were appointed to collect the Emperor's rent from the people and to conduct the civil and criminal administration of the areas with which the Emperor had entrusted them; and the Emperor's officers and their large establishments were maintained for the most part by assignments of the royal rents or of land called *chakaran*. The establishments were employed indiscriminately on all duties, civil, criminal and revenue. The municipal character of the village community was destroyed and the people reduced to units. The watchman, who was a public servant, was merged into the zamindari establishment. The fact that the villagers had given up parcels of their land to him was forgotten and his holding was merged with the *chakaran*.

As the strong hand of the earlier Moghuls relaxed, the zamindars' position underwent a change. From being mere collectors of royal rents they gradually assumed those permanent rights which were recognized and crystallized as territorial rights by Lord Cornwallis. The Government then withdrew from all active interference in the management of their estates, except in certain cases defined by law. The zamindars, however, still remained officers of the State. The police administration remained in their hands and they were in theory at least held responsible for the King's peace; no separate police force was maintained by the State and this double character applied to all the zamindari servants; they had become private servants of the zamindar but they were still public officers of the State. The main duty of the whole establishment was the collecting of the rents, the police duties were subsidiary and were usually neglected. Besides the officers thus employed, the zamindars had a body of servants of a more purely military character for defence against aggression and for the suppression of local disturbances. These were called *ghatwals* on the frontiers, *paiks* in Midnapore, *Nugdee* troops in Burdwan. In Nadia, Burdwan, Birbhum and Murshidabad, there was also a more purely police body termed *thanadari* police and there was a fourth body, the *burkandazes*, the personal guards of the zamindar. There were, therefore, four bodies employed wholly or in part on police duties: (i) the zamindari village servants (including the village watchman), (ii) the *ghatwals*, *paiks*, etc., guarding the boundaries, (iii) the *thanadari* police for internal disorder, (iv) the personal guard.

* Report of Mr. D. J. McNeile - 22nd May 1866.

The village staff included many officers known by different names in different parts of the country; and of these the watchman was known under the name of pasban, kotal, nigaban, but the name chokidar does not appear to have been applied to him in the early days. The name was employed to designate subordinate thanadari officers in charge of chokies or outposts, or customs officers in charge of customs chokies. Merchants and others in towns employed chokidars as private watchmen and later the men of the watch and ward in the towns of Dacca, Patna and Murshidabad were termed chokidars.

At the time of the Decennial Settlement (*vide* Regulation of 23rd November 1791) the chakaran lands were not excluded from the annual rent payable by the zamindar. In this way Government ensured the chakaran lands remaining part of the revenue-paying estates. These lands were not lakheraj (or rent free) for they paid rent in service. The method of calculating the rent of the estate was as follows:—After the proceeds of all rent-paying lands had been taken into consideration, the area and proceeds of chakaran lands were noted but were not included in the rent; but at the end of the calculation, the rent payable by the zamindar was increased by an amount equal to the proceeds of the chakaran land; because these lands were not rent-free lands and the zamindar was getting the rent in kind, *i.e.*, in service.

In 1793 (Regulation XXII) the State relinquished its claim upon all chakaran lands except those which were responsible for police duties. As no addition to the rent was made, Government virtually made the zamindars a present of such portion of the lands as represented liability to State service. On December 7th, 1792, a proclamation was issued, by which the Government transferred the police administration to its own officers and thus deprived the landlords of all their authority as officers of State. Government ordered the zamindars to discharge the thanadars and police officers kept by them for the maintenance of the peace, with the exception of the village watchman, and authority over him was transferred to the daroga. The nomination in vacancies, however, was left with the zamindar. These village watchmen, who had become part of the zamindari establishment, owed service to the zamindar, but nothing was said regarding this liability as private servants. The lands of the watchmen had been taken into account in fixing the sadar *jama*, *i.e.*, the zamindar's assessment had been increased because he was receiving private service from these men; and the Police Regulation says nothing about a decrease, because the State has taken them over completely; therefore these men were still paid by the zamindar for private services. This is the origin of the double character of the watchmen in Burdwan who held chakaran lands. It is important to note that the village watch—as a village watch—wherever it is supported by grants of lands is maintained at the expense of the State and not of the zamindar.

It is difficult to know what classes of the zamindari establishment were really included under the term watchmen, for none of the registers prescribed in 1792 are extant. The earliest registers are those of 1807.

The Government thanadari police did not prove a success; in 1805 and again in 1807, attempts were made to improve matters by making the zamindar a police officer again; by 1810 these attempts had been given up. The Superintendent of Police, who was appointed under the Regulation of that year, was instructed to give special attention to the village watch. He and his successor found that village watchmen were the perpetrators or aiders of every kind of crime and the main reason assigned was the utterly insufficient provision made for their support. At the same time it was gradually brought to the notice of Government that throughout the northern and eastern districts no village watch existed at all.

The Superintendent of Police began by drafting rules for the better management of the police of the cities of Dacca, Patna and Murshidabad, and these rules are incorporated in Regulation XIII of 1813—the first municipal law enacted in India. This law provided for the maintenance of chokidars on monthly stipends paid by the residents of the cities mentioned, on the ground that “it is just and expedient that the communities for whose benefits and protection such establishments may be entertained should defray the charge of their maintenance.” These rules were subsequently extended to

the headquarters of all Magistrates and Joint Magistrates and the Government signified its intention of gradually extending the principles to all mufassal towns and villages in the country, an intention which was never carried into effect. Meanwhile several energetic Magistrates had established a village watch in their districts without regard to any technical legal difficulties; in this way between 1814 and 1817 a village watch was organized in Mymensingh, Faridpur and Rajshahi and the town system was extended to the districts of Dacca and Murshidabad. The chokidari forces of all the other districts of the Lower Provinces are new institutions which took their rise subsequent to this time. The illegal extension of Regulation XIII of 1813 brought the word "chokidar," formerly used exclusively in the towns, into common use. Provision was made in Regulation XX of 1817 to legalise the action taken in extending the town system to the districts.

On the introduction of this "chokidari" system, the shattered remnants of the zamindari system, where the zamindars' village servants were made subordinate to the regular police, were swept away. Instead, there was an establishment of local police officers, charged with the performance of police duties only and remunerated by the people at large under the orders of the Magistrate. The nomination was in some instances vested in the landholder, but, as a rule, it was left in the hands of the villagers.

The duties laid down in 1793, for village watchmen, were re-enacted by Regulation XX of 1817, which remained in force till 1866.

Mr. McNeile writing in 1866 deduced the following conclusions from the early history of the village watch :—

- (1) The landholders as such are not and never have been bound to maintain village watchmen, and in those parts of Bengal in which the chokidari police is a British institution, the villagers are not bound by the law, as it at present stands, either to nominate or to maintain watchmen.
- (2) The State had long saddled itself with an expense in the western districts which it is just and expedient should be borne by those protected—an expense long actually borne by the people in the eastern districts.
- (3) Measures might equitably be taken to establish a village watch in the western districts at the expense of the people at large, irrespective of the question of the disposal of chakaran lands and their occupants.
- (4) The course to be adopted regarding chakaran lands is a matter for settlement between the Government and the landholders.

Mr. McNeile recorded that the "utter inefficiency [of the village watch] as an instrument in the prevention and detection of crime is universally admitted." The defects were radical defects; insufficiency of pay was not the only fault :—

The great radical evil which has so greatly weakened the arm of the executive in dealing with crime in this country is one much wider in its character than the underpayment of village watchmen. It is the utter inability of the police authorities to secure the co-operation of the people in the administration of the law. This want of co-operation may no doubt be partly ascribed, as it has often been ascribed, to the fear existing among the people of the exactions of the regular police and to their aversion from all the other annoyances of a criminal investigation and trial. But it is in great part owing to the operation of a power which is established throughout the land with a far firmer root in the minds and habits of the people than the whole authority of Government. This is the power of the landholders and their local agents whose reign, silently acquiesced in, extends to every house in every village of the country and whose power is used in support of, or in antagonism to, the law just as may appear to be most advantageous to their interests.

* * * *

Hitherto we have been paradoxically working in both directions. In A.D. 1793, the zamindars were reduced by law to the position of mere landholders and subjects, but they were at the same time held responsible for giving information of crimes, and for helping to arrest the perpetrators. Their power continued a great fact, and the

State did not hesitate to admit its existence by imposing on the landholders liabilities which were altogether incompatible with the position in which they had been legally placed by the abolition of their offices of Government police officers. And the same inconsistent course was steadily pursued in subsequent years. By Regulation XII, 1806, the whole burden of providing for troops on march was thrown upon the landholders, and that Regulation, modified in one particular by Regulation III, 1820, and supplemented by Regulation VI, 1825, is still in force. The attempt unsuccessfully made in A.D. 1807 to employ the landholders as aids of police has been already mentioned. Had it succeeded, it would have given consistency and fairness to the course of legislation, which was in no way retarded by its failure, but was persistently carried on by Regulations VI, 1810; I, 1811; III, 1812; III, 1814; and XVII, 1829, by which the responsibilities imposed on the zemindars by section 3, Regulation XII, 1793, were specifically affirmed and amplified. For under Regulation XII, 1807, the landholders would have been invested with an official authority commensurate with the liabilities cast upon them by the other Regulations mentioned. The whole body of the law on the subject would have been a consistent embodiment of an intelligible principle, that of conducting the police administration of the country, as in former times, through the landholders. That this principle could not be effectually carried into practice at the time of which we are speaking, is sufficiently proved by the speedy revocation of the police powers conferred under Regulation XII, 1807. This revocation ought logically to have carried with it the complete exonerating of the landholders from all the responsibilities which properly corresponded with the powers withdrawn from them. But the Government of the day was not in a position to be logical. Its hold upon the country was uncertain and ill-defined. It dared not openly entrust the landholders with police authority, for fear of the gross abuse of that authority which was certain to follow. And it could not manage the country without them, because their power was already great enough to set public authority more or less at defiance if they chose. So it endeavoured to steer between the two difficulties by a course of legislation which had for its object to keep the landholders' power at a minimum, and their responsibility at a maximum, a course which, whatever may be thought of its practical effect, involved a confession of weakness which should surely have been at the earliest possible opportunity retracted.

But it has not been retracted. The responsibilities imposed on the landholders, by the laws above enumerated still attach to them, while, on the other hand, the object of progressively, curtailing their authority has been steadily kept in view. The last blow that could be given to it by law was dealt by section 11, Act X, 1859, which deprived them of the right recognized by clause 8, section 15, Regulation VII, 1799, to summon their ryots to their cutcherries to pay their rents. The anomaly is now complete. The Government confesses itself dependent in all departments on the landholders and their agents for the information on which the police is to act in the suppression of crime, and also for the necessary provision for its soldiers on march; but it denies them all legal authority to exercise upon their ryots any of the coercion by which alone they can with certainty possess themselves of the information they are required to give, and which is still more palpably required to wring supplies from unwilling contributors. In other words, the Government relies on the landholders to assist it by an illegal exercise of their authority in carrying on the administration. And what makes this discussion of practical importance is that this authority actually exists and is used, sometimes no doubt in assisting, but more commonly in opposing and thwarting the police; so that consistency and common sense are sacrificed for an object which after all is very imperfectly secured. If by a revision and consolidation of the laws which now place the landholders and their agents in this anomalous position, the object in view, that of securing their co-operation with the public authorities, can be effectually attained, we may perhaps be content to continue open to the charge of inconsistency. And the means by which this may possibly be done will be presently considered. But the true sound course is to sweep away the whole body of law, which is such a reproach upon the strength of our administration, and to assert our ability and determination to conduct the criminal management of the country through the agency of the paid officers of Government, without the doubtful and grudgingly given assistance of those who, as a rule, are not yet sufficiently enlightened to perceive that their true interest lies in supporting under all circumstances as loyal subjects the authority of the law.

If this course be adopted, a measure indispensable to its integrity is the abolition of the present village watch as an establishment which, with its subjection to local influences, its complicated position in many parts with reference to the land settlement and its inveterate bad habits, is beyond the reach of remedial applications. But its place must be supplied in some way; for local knowledge, of which it is admitted that the present watchmen have abundance, is the basis upon which all police management must proceed, and the regular constabulary are not qualified either by their numbers or constitution to acquire such knowledge. Sir F. Halliday proposed in A.D. 1838 to increase their numbers to the extent necessary to enable them to discharge all the duties both of a preventive and detective police. But his propositions were in advance of the time in which they were brought forward, and eighteen years later he came himself to the conclusion that they were impracticable. The defect in them perhaps consisted in the fact that, while they secured the requisite increase in the numbers of the constabulary, they provided for no such change in their organization as would enable them to gain the local knowledge possessed by the chokidars.

Mr. McNeile put forward for consideration a scheme which he describes as "having for its object to secure both executive strength and local knowledge." He proposed to garrison the country with an organized subordinate constabulary, *all its members being residents of the circles of villages within which they are employed.*

The cost of this establishment was to be met by a chokidari tax assessed by panchayats on the villagers according to their means. This tax was to be collected from the landholders along with the revenue. Village watchmen were to be abolished. Thanas were divided into sections averaging 12 square miles, in each of which a force of local men under a sirdar was to be employed under the regular police to prevent crime. The chokidars were to be on duty for 12 hours and were to patrol in pairs and report all occurrences daily to the sirdar. The local police were to have the same power of arrest as the regular police.

The inefficiency of the village watch constantly called for the attention of Government. In November 1851 a Bill was introduced in the new Council of the Governor-General, one of the provisions of which threw upon the zamindars the burden of maintaining the watch. The zamindars resisted, claiming that they never have been liable for such a tax, and that even if they had, the Government were for ever precluded from adopting such a course by the terms of the Permanent Settlement. Sir Barnes Peacock, who as Chief Justice was a Member of Council, gave it as his opinion that the imposition of a tax on the proprietors of agricultural lands for the maintenance of the village police would be a violation of the agreement entered into by Government at the time of the Permanent Settlement, and this view was accepted by Lord Dalhousie (minute of April 14th, 1854).

Nothing was done, but the Lieutenant-Governor, Sir John Peter Grant, expressed the opinion that "the local police was the worst feature of our administration. It was neither the police of the people nor the police of the Government. It was unpopular, arbitrary and vexatious at the same time that it was undisciplined, incapable and ill directed."

In 1859, Sir Henry Ricketts introduced into the Governor-General's Council a Bill which threw the onus of maintaining the watch on landholders, but this too was withdrawn. Mr. Hobhouse subsequently introduced a Village Police Bill which met with great opposition, and which culminated in the appointment of Mr. McNeile to investigate the history of the question.

Mr. McNeile's proposals met with great opposition, and it was not till 1870 that the Village Chokidari Act, the outcome of his researches, was passed.

Sir Rivers Thompson, in introducing the Bill in the Bengal Council, 22nd January 1870, gave an account of the village police as it existed then, which is worth quoting:—

The next point to be considered is the organization of the force itself. As at present constituted [the organization of the village police] is radically bad. The village policeman is appointed by the zemindar and the village community, or by one of those two. He is also maintained by them either by lands, or by wages in money or kind; he is also their servant. He is a fellow-villager of the villagers and almost universally he is a tenant of the zemindar. His wages, if he is paid in money or in kind, are always ludicrously insufficient, are generally in arrears, and are seldom paid regularly. His lands, if they are sufficient for his maintenance, are also of that extent that they occupy the whole of his time to cultivate. When they are insufficient—and they usually are so—and when his wages are insufficient—and they always are so—what is the village watchman to do? He must live, and he usually not only lives but thrives not unfrequently by being the leader and most usually by being the participator in, or the conniver at, the offences it is his duty to prevent or discover and disclose.

Mr. Ricketts' Bill [Sir Rivers Thompson explained] proceeded on the principle that the nomination of the village watchmen should rest with those who had hitherto nominated them; that there should be no change in the nature of the remuneration which the chowkeedar had been in the habit of receiving, though endeavours should be made to arrive as far as possible at a system of money payments by salary; that panchayats should be formed wherever practicable for the assessment and collection of the cess necessary for the payment of the village watchman; and for the appointment and removal of the chowkeedar, subject to the Magistrate's control. The Bill also provided that it should be competent to the Magistrate to dispense in places with the services of the chowkeedar, and to utilize the cess of the village to

which such chowkeedar belonged to increase the pay of the chowkeedars in other places. It seemed to be the opinion of the Hon'ble Member that a great deal of the large sum that was collected throughout the country was very uselessly thrown away to no purpose, and that with two-thirds of the sum thus collected very much more practical good might be effected, if power was given under his Bill to appropriate the monies for the furtherance of the objects of an efficient rural police in such places as might be deemed proper, irrespective of the places and towns from which the cess was realized.

He [Sir Rivers Thompson] had not been able to trace that anything further was done in the matter till the year 1863, when, under the orders of His Honour's predecessor, a report was called for on the subject of reorganization of the village police in Bengal from Mr. C. P. Hobhouse, then Civil and Sessions Judge of the Midnapore district, now Sir Charles Hobhouse, one of the learned Puisne Judges of the High Court of Judicature of Bengal. In October of that year, in obedience to the above orders, Mr. Hobhouse submitted a careful report on the subject with the draft of a Bill for the reform of the village police system. His opinion, fully elaborated in the report upon which Mr. Hobhouse prepared his measure, was that by both law and usage a clear obligation rested upon zemindars and village communities to maintain in their estates and villages a village police; that it should be declared by law that in supersession of all previous practice the payment of such village police in future should be in money; that the funds for the payment were to be supplied by landed proprietors or heads of village communities; and that all further management and employment of this force—its appointment, organization, dismissal, and payment—were to be entirely independent of the zemindars or village communities, and should be vested solely in the District Superintendent of Police, subject to the general control of the District Magistrate.

The publication of this report and of the draft Bill founded upon it elicited from many quarters opinions very adverse to its main features. Among others he might mention that the Hon'ble Member opposite as Commissioner of the Bhagalpore Division, and the Hon'ble Member to the right as Secretary to the British Indian Association, were prominent among those who resisted its adoption, on the ground that it would excite great discontent among the zemindars and arouse violent opposition as a change in the direction of further centralization, which while imposing upon the land and upon village communities the burden of providing for the means of paying the village police force, deprived each of his interest in the village police which from time immemorial had been recognized and acted upon.

Considering the wide diversity of opinion which prevailed generally as regards both the principles and details of Sir Charles Hobhouse's Bill, and the necessity which further consideration established of more detailed enquiry as to the respective rights of the Government, the landholders and occupants of villages in connection with police chakaran lands, the Government was induced in 1866 to appoint a special officer to investigate the subject *de novo*, and Mr. D. J. McNeile was deputed to undertake the duty. His enquiries extended to almost every district under the jurisdiction of the Lieutenant-Governor, and the results of his personal investigation and research are embodied in the volume which he [Sir Rivers Thompson] had now before him. With the historical portion of Mr. McNeile's report the Council had no concern at present. He [Sir Rivers Thompson] would briefly state the proposition which Mr. McNeile submitted based on the opinion of the utter inefficiency of the present system of the rural police either for the detection or prevention of crime, and on the impossibility of removing the inherent radical defects of the system by any superficial treatment.

His proposal was the entire abolition of the present village watch as an establishment, and the appointment in its place of a body of policemen to be selected and appointed by the executive authorities, and to have jurisdiction within circles within each district of a Magistrate; the entire force being in direct subordination to the regular police. As described by Mr. McNeile himself, the security and the protection of the country were to be attained by garrisoning the country with an organized subordinate constabulary, all its members being residents of the circles of villages within which they were employed.

Of course the proposal met with strong opposition. It was objected, as Mr. McNeile himself seems to have anticipated, that his measure virtually provided "for the enrolment of an army of plundering ruffians to be supported in all their extortions and cruelties by the authority of Government." It was objected, and with very strong reason, that the change which he contemplated was a revolution and not a reform; that the supersession of the institution of a village police, by what to all intents, and purposes was an inferior grade of constabulary, deprived the executive of the services of a class who combined local knowledge with a kind of influence among the village communities, and that the absence of such a link between the regular police and the people would always work unsatisfactorily; that it was contrary to the wishes of the natives of the country and subversive of the principles on which the village watch had always been recognized as a municipal institution. It was under such circumstances of a general hostility to the principles which had been previously submitted for the reorganization of the rural police, that during last year a committee was appointed to reconsider the whole question with instructions to frame a draft Bill for the reform of the village police on the principle of affirming the municipal character of the rural police and providing the simplest possible means for insuring the regular and prompt payment of their wages.

* * * * * It was proposed under [this Bill's] provisions that the village police of the country should be brought under one uniform system of a force remunerated by money payment, and that this force should be distinct from the regular thanadari police.

The Bill proceeds upon the recognition of the fact that the village chowkeedar is purely a village servant, employed for the protection of the lives and property of the villagers, and looking to the village community for the regular payment of the remuneration to which he is entitled.

It was proposed that a punchayet should be appointed in every village where it is practicable, and that such punchayet shall, under the general control of the Magistrate of the district, appoint and maintain the village watch, supervise its work and secure its regular payment, and that each member of the punchayet shall be responsible for the due report of all crime to the police.

* * * * *

We have practically to say to the zemindar:—"The chowkeedar in this village is paid by an assignment of land appertaining to your estate; the produce of this land was placed to the credit of the zemindar when the rental on your estate was fixed in perpetuity. The Bill proposes now to take the land away from the chowkeedar, to resume it, and make it over to the zemindar, and to assign to him two-thirds of the rental for the surrender of any rights which he may have enjoyed in the services of that chowkeedar, while the remaining one-third will be taken to form or help to form a watch fund as a contribution towards the payment of the chowkeedar." In carrying out this proposal difficulties will arise, for the chowkeedar may have been for a very long time the occupant of the land proposed to be taken away from him, and he might object to a course which, by a very harsh and arbitrary measure deprives him of his rights, takes away the land to the possession of which he has for a very long time been entitled, and restores him to the position of the simple recipient of a monthly police salary.

On 7th May 1870, Sir Rivers Thompson again spoke on the question of the Chaukidari Bill. He said that two courses were open:-

* * * * *

either to introduce the principle advocated in some quarters that the Government should appropriate the entire tax, estimated to be about sixty lakhs of rupees, paid for the maintenance of the village chowkeedars throughout the country, and utilize that sum in appointing through its own officers a rural police in subordination to the regular constabulary; or to leave to the village communities the control of their own chowkeedars and by selecting the men. The first was a revolution which, on the plea that everything connected with the existing system was altogether irremediable, would abrogate it entirely. The second involved the recognition of the present system as capable of improvement, and would attempt by legislation to reform and amend it.

* * * * *

That which was the common complaint in 1837 had only been intensified by the fact that up to this time no endeavour had been made to improve the position of the village chowkeedar. The evil of non-payment of wages, and of the absence of laws to enforce payments still continued; and the natural consequence was that chowkeedars without pay were as inefficient and corrupt as they were 30 years ago. Good men would not enter the force, and bad men only entered it with a determination to resort to all kinds of nefarious practices to gain a livelihood.

The Bill eventually became law as Act VI (B.C.) of 1870. The "Objects and Reasons of the Bill" are described as follows:-

* * * * *

A village watch is found at the present day to be in existence in every district of the lower provinces of Bengal. It is believed that in ancient times the village watchman was an officer maintained by the village community to which he belonged, and in his position purely as a servant of the village. His duty was to protect the lives and property of those among whom he lived. It is ascertained by enquiries which have within the last ten years been instituted into the circumstances of the rural police, that at the present day the remuneration for which the village chowkeedar performs the duties which devolve upon him is different in different places, and that while in the northern and western parts of the lower provinces the system in force is that the remuneration of the chowkeedar is secured by the assignment of lands, in the eastern districts of Bengal especially, the existing village watch has been instituted as a stipendiary force receiving monthly wages ranging from Rs. 2-8 to Rs. 4 per month from contributions leviable from the villagers themselves.

Under both systems defects and anomalies exist which operate very prejudicially to the well-being and usefulness of the village chowkeedars themselves and to the detriment of good government.

In those places where the village police is remunerated by allotments of land, it is found that by long usage, if not by positive enactment, the chowkeedar is bound to render service to the landed proprietor in whose estate his lands are situated, apart and distinct from the duties which appertain to him as a police officer. This double service is incompatible with efficiency, and it is deemed advisable to obtain by legislation a disconnection of the village police from subserviency to the zemindar, and by

restoring the chowkeedar to his position as a servant of the village community, to secure his undivided attention to the duties proper to his calling. It is proposed that this object should be attained by the resumption of the lands assigned for police duties, the incorporation of the said lands on fair adjustment with the estate to which they belong, and the appointment of the chowkeedar on a fixed salary payable by the residents of the village to which the chowkeedar is attached.

In places where the village police officer is entitled to a money payment, great irregularities prevail as to the payment of his salary. Enquiry has shown that, as a general rule, the fixed pay of the chowkeedar is altogether inadequate, that it is always in arrears, and that no provision exists in any law by which the executive authorities in the district can interfere for the realisation of his just dues. The consequences are seen in the demoralization of the village watch, their utter inefficiency as a subsidiary police force, to which the regular police must always look for the prevention and detection of crime; and too frequently in their connivance at, and participation in, offences of a heinous character, which it is their duty to check or discover.

Attempts have been made at different times to reform the abuses referred to, and in 1859 a Bill was introduced into the Legislative Council, which had for its object the reorganization of the village watch. It did not proceed beyond a second reading, and its failure was probably due to the introduction at the time of several important measures connected with the Rent and Sale Laws and the enactments of the Criminal and Civil Procedure Codes, which almost exclusively occupied at the time the attention of the Legislature.

Since 1859 the several enquiries instituted regarding the village police system have confirmed with a marked consent of opinion the belief which prevailed of the radically disorganized state of the institution, and recommendations have been in more than one instance made for the entire abolition of the village police, and for their incorporation with the regular constabulary.

These suggestions have not found acceptance with the majority of officers of ability and experience, on the ground that they were contrary to the wishes of the natives of the country and subversive of the principles on which the village watch of the country originally existed.

In 1869, the Lieutenant-Governor of Bengal appointed a Committee to reconsider the whole question, with instructions to frame a draft Bill for a reform of the village police of the lower provinces, on the principle of affirming the municipal character of the rural police, and of providing by some simple arrangement for the regular and proper payment of their wages. The present Bill is the result of the Committee's deliberations.

It is proposed that all the village police in the country should be brought under one uniform system of a force remunerated by money payment.

It is proposed to maintain this force distinct from the regular thanadari police.

It is proposed that for the more efficient management and supervision of the village police, a committee or panchayat should be appointed in each village or union of villages, and that to this committee should be delegated under the general control of the Magistrate of the district, the duty of appointing and maintaining the village watch, of supervising their work, and of securing the regular payment of their monthly wages. The liability to provide for the payment of the chowkeedar is left where prevailing custom has placed it.

The provisions of the Bill, while maintaining the responsibility of all landholders to report crime, are based upon principles which have been recognised as applicable to the circumstances of these provinces: first, that it is just and expedient that the people at large should pay for their own protection; and secondly, that it is the duty and policy of Government to leave as much as possible of the business of the country to be done by the people themselves.

The Village Chaukidari Act provides for—

- (1) Repeal of Regulation XX of 1817.
- (2) The appointment of panchayats in all areas not municipal for a term of three years.
- (3) The appointment of village chaukidars; average one for 60 houses.
- (4) The payment of salaries to chaukidars—limits Rs. 2 and Rs. 6.
- (5) The annual assessment of the village by the panchayat—budget pay, equipment, *plus* 15 per cent.—limits 6 annas and Rs. 12 per annum.
- (6) The publication in village : appeal to panchayat; Magistrate's right of review.
- (7) The payment of the tax into the Chaukidari Fund.
- (8) The power of distraint for rates given to panchayats.
- (9) The nomination of incumbents by the panchayats.
- (10) Duties of chaukidar—

(i) to give information to the police;

- (ii) to arrest proclaimed offenders and any person who in his presence commits an offence or against whom a hue and cry has been raised, and to take prisoners at once to the police-station;
 - (iii) to prevent crime;
 - (iv) to assist private persons lawfully making arrest;
 - (v) to observe and give information regarding bad characters;
 - (vi) to report arrival of suspicious characters;
 - (vii) to report births and deaths;
 - (viii) to report death in absence of panchayat;
 - (ix) to supply any local information;
 - (x) to obey the panchayat as regards watch; and
 - (xi) to assist the collecting panchayat.
- (11) All fines and penalties to be credited to District Chaukidari Reward Fund.
 - (12) Transfer of all chaukidari chakaran lands to zamindar: after assessment made by the panchayat at half-rates of surrounding lands, the rent receiver to pay the assessment to the panchayat yearly in advance.
 - (13) Power to appoint commission to demarcate chaukidari chakaran land.

It was not till 1879 that special measures were taken to investigate the position of things, so that for nine years this special law, involving an entirely novel procedure, and establishing an entirely new system as regards the constitution of the village police throughout the country, was apparently left to drift into irregular channels without any active attempt at guidance from superior authority.

The object with which Act VI of 1870 was framed was to "utilize the village institutions as they existed for the management and direction of the village police, to leave to the village communities the control of their own chaukidars, and by selecting the men from the villages, to gain that local knowledge and advantage which such a system conferred."

The chief evil which the Act was intended to remedy was the habitual denial to village chaukidars of payment of wages. "Rules have been made," said the Hon'ble Member who introduced the Bill, "as simple as could be framed for the appointment of village committees as an agency to supervise the duties of the chaukidars, and provision has been made for realising regularly and paying regularly the wages of the chaukidars. If these rules can be adequately enforced, as with efficient administration they can be enforced, with the removal of the main evil which has affected the usefulness of the institution, there need be no fear that better men will not be found for village chaukidars, or that in the discharge of their duties they will not be more efficient and honest than under the present system."

It is quite evident from the discussions which took place in Council at the time of the introduction of the Bill that the intention of its framers was to give large freedom of action to the village panchayats and to trust them, as being the persons most deeply interested in the efficiency of the village police, to pay the chaukidars adequately and regularly. The power of interference on the part of Magistrates was curtailed, and the police were excluded from having any share whatever in the administration of the system of village watch. The advice given by Mr. Robinson, Inspector-General of Police in Madras, was quoted with approval, and acted on:—"Only municipalize more and cut off meddling Peelers and Magistrates more than you do, and trust your people. They are more interested in the safety of themselves and property than we are (we don't like to believe this, I know). But we must take them in some measure in their own way."

In acknowledging the receipt of the Annual Report on the Administration of the Police Department for 1881, and the Resolution of this Government recorded thereon, the Government of India, in their letter No. 402, dated the 18th September 1881, expressed a hope "that His Honour the Lieutenant-

Governor will take an early opportunity of considering the whole subject of the village watch in Bengal, and, if necessary, adopt measures for placing it on a more satisfactory footing. The unsatisfactory working of the present arrangement and the necessity of bringing the force more under control, without depriving it of its local character, appears to be brought out more clearly in each departmental report. It seems possible that the regular payment of the men belonging to the village police through the District Superintendent of Police might effect the reform needed, and this could probably be effected without unduly interfering with the other functions of the panchayats."

A Committee under the presidency of Mr. Munro was appointed in 1883, to enquire how far the principle of trusting to the village communities to pay the village police regularly, and so to remove the main evil affecting the usefulness of the institution had been successful in practice.

The Committee found as the result of their enquiries—

- (a) That the panchayats had signally failed voluntarily to accomplish the chief object with which they were constituted under Act VI of 1870, viz., the regular payment of the salaries of watchmen.
- (b) That notwithstanding the apathy of panchayats, above 90 per cent. of chaukidars were receiving their salaries with tolerable regularity once a quarter.
- (c) That such regularity of payment had been attained by constant supervision, amounting to harassment, which had been exercised towards the panchayats, and which was not contemplated as necessary or advisable when panchayats were constituted under the Act.
- (d) That in the absence of such harassing supervision, the panchayats would have continued to neglect their duties with regard to the regular payments of chaukidars' wages, as they did before the application of such supervision.
- (e) That the appointment of panchayats, instead of being desired by members of village communities, was intensely disliked by them: 1st, as being compulsory; 2nd, as being unremunerative; 3rd, as being undignified; 4th, as exposing the holders of the appointment to the odium of their fellow-villagers; 5th, as causing to the panchayats the risk of attachment and sale of their property in the event of collection of rates being in arrear; 6th, as subjecting panchayats to distasteful supervision at the hands of magisterial and police officers, especially the latter; 7th, as involving a regularity in the discharge of duty which is foreign to native custom and practice.
- (f) That the selection of panchayats had not been conducted with such care as was required by the Act; that police nominations had been too extensively had recourse to.
- (g) That even in cases in which special care had been bestowed on the selection of panchayats, the practical results had been disappointing.
- (h) That in a very great number of cases the assessments made required revision, having been made with unfairness, in the interests of the higher, and without consideration for the poorer, classes.
- (i) That the accounts produced were almost universally fictitious.
- (j) That it was doubtful whether the chaukidars received the full amount of their wages owing to the fraudulent action of panchayats in other respects.
- (k) That the influence of the panchayats for good or bad in securing better reporting of crime cannot be ascertained without full and lengthened enquiry.

The Committee proposed—

- (a) That there should be one uniform system of administration of the village watch in Bengal, certain modifications of procedure

being adopted when required by the circumstances of exceptional districts.

- (b) That the system of payment of chaukidars by lands should be abolished, all village watchmen being remunerated by wages paid in cash. Such lands to be resumed and the rent of the same to form part of the assets for remuneration of the chaukidar.
- (c) That the village panchayat system should be continued, and where necessary, extended, such panchayats being employed as assessing bodies, and ceasing to perform any duties with regard to the collection of rates and payment of chaukidars.
- (d) That the rates should be collected by tahsildars appointed by Magistrates, each thana being divided into suitable circles or blocks for the purpose.
- (e) That chaukidars should be paid through the police from funds collected by tahsildars.
- (f) That every village in the province should be included within the jurisdiction of a chaukidar, and should pay a proportionate share of the cost of such chaukidar.
- (g) That the village should be retained as the unit for determining the number of chaukidars, and that unions of villages should only be permitted in the case of villages unable of themselves to maintain a chaukidar.
- (h) That the control of panchayats over chaukidars should be limited to supervision of their special duties as village watchmen in their villages, and to reporting them for misconduct, and that, with the exception of nominating persons for the post of chaukidar, panchayats should have no power of punishing them, the final appointment and power of punishment of chaukidars, including fine, suspension and dismissal, resting with the Magistrate of the district.
- (i) That the pay of chaukidars should not be fixed by legislative enactment, but should be determined by the local Government with reference to the circumstances of each district or division.
- (j) That payment of wages should be quarterly, unless when it is possible to insist on monthly payments.
- (k) That chaukidars should attend as a rule once a week at the thana, local authorities fixing the times at which chaukidars at distant and inaccessible police-stations should attend.
- (l) That the powers of chaukidars should in certain respects be increased, *i.e.*, that they may be employed beyond the limits of their villages, but not of their circle, for the purpose of escorting prisoners and assisting at house-searches, and that they may be authorized to arrest out of village limits persons suspected of having committed crimes the occurrence of which they are bound to report.
- (m) That both panchayats and chaukidars should be specially utilized for the purpose of securing accurate vital statistics.
- (n) That for the purpose of carrying out the above changes, the panchayats should be competent to increase the amounts of assessment beyond what is required for pay of chaukidars by 25 instead of 15 per cent.
- (o) That for the purpose of introducing the above system on a sound basis, a special officer should be employed in each district as long as his services may be required, his salary being defrayed from the 25 per cent. additional assessment referred to above.

Mr. Westmacott in a minute of dissent supported the present system with certain modifications, in order that the control of the chaukidars and their pay might not pass entirely out of the hands of the panchayats, and that the chaukidars might not become the "Police of Government" instead of being, as they are at present, the "Police of the people."

His general idea was that so long as the chaukidars performed their duties properly, and did not complain of the irregularity of their pay, Government need not interfere with the latter part of the question. Messrs. Munro and Worsley, on the other hand, desired to remodel the whole system and, while continuing the panchayat system, to deprive panchayats of all powers beyond those of making assessments, supervising the work of the chaukidars in their villages, reporting them for misconduct, and nominating persons for the post of chaukidar. They all proposed that there should be one uniform system of administration of the village watch in Bengal, certain modifications of procedure being adopted when required by the circumstances of exceptional districts.

I quote the following passages from the Resolution of the Government of Bengal on the Committee's report dated the 21st November 1884 :—

It may be quite true that the principle of the measure being to leave the widest freedom of action to village communities, the intervention of magisterial or police authority might not have been approved; but the fact remains that in one of the most important points connected with the inauguration of the Act, viz., as regards the selection of proper persons for the office of panchayet, the requirements of the law had been most perfunctorily discharged.

9. The question mainly to be settled is, in whose hands should such direction and control be placed? The majority of the Committee would apparently bring the rural police and its management in direct subordination to the regular thana police. Mr. Westmacott dissents from this view and while recognizing the chaukidar rather as the servant of the villagers than of the Government, would leave things very much as they are as concerns the panchayets, but would give the ultimate appeal for assistance in difficulties to the Magistrate of the district. In any case some separate agency appears desirable for the collection of the rate assessed by the villagers and probably on the lines which Major Ramsay, the District Superintendent of Police, very successfully introduced in the Patna district. The object is to obtain much more of a self-working arrangement, and to avoid the maintenance of extra establishments in the Magistrate's office for the returns and registers and issue of warrants which the present procedure involves. Mr. Westmacott seems to be of opinion from many passages in his note that the remedy of the present evils can only be effected by "a stronger staff of magisterial officers in every district." It is out of the question to entertain such a proposal. If village communities under a limited external supervision cannot carry out the objects of the Act, we must abandon the principle of working through them. But it seems to the Lieutenant-Governor indisputable that the measure of success attained at Perozepore, in the district of Backergunge, through the intelligence and exertions of Baboo Shoshi Shikar Dutt, the Subdivisional Officer, justifies the conclusion that no such extra aid is necessary. There is clear proof that the panchayets cannot stand and act alone, and that some external control is required.

In 1891 a Committee with Mr. Beames as President was appointed to consider the improvement of police in Bengal. This Committee dealt with the question of village police and made the following recommendations :—

- (1) The provisions of sections 3 and 4 of Act VI by which the introduction of the Act is restricted to villages containing more than 60 houses and unions containing more than 80 houses should be repealed, and the Magistrate should have the power to introduce the Act into all villages, irrespective of the number of houses they contain, provided that the inhabitants can afford to pay the chaukidars' wages.
- (2) The qualifications for membership of a panchayat should be residence and respectability. The panchayat should be elected by the rate-payers subject to the approval of the Magistrate. Men who can read and write should be preferred. Where Union Committees under the Local Self-Government Act have been formed, they should be charged with the functions of a panchayat.
- (3) The number of chaukidars to be employed in any village should be fixed by the panchayat, subject to the control of the Magistrate.
- (4) The rate of pay of the chaukidar should be fixed by the Magistrate within the limits of Rs. 3 and Rs. 6 with reference to the rates of wages of unskilled labour, cost of living, and other local circumstances.

- (5) The chaukidars should be nominated by the punchayats and appointed by the Magistrate. In the event of the punchayat neglecting to nominate, the Magistrate should appoint without waiting for the period of 15 days prescribed by section 62 of the Act.
- (6) The law should remain unchanged as to the power of dismissal, but a proviso should be added to section 37 to the effect that when the Magistrate dismisses a chaukidar, the punchayat shall be bound at once to nominate a successor.
- (7) It should be in the power of the Magistrate to revise the assessment lists either of his own motion or on the application of any rate-payer, and section 20 of the Act should be altered accordingly.
- (8) The collection of the rate should be made by an official acting under the orders of the Magistrate, and having powers of distraint and sale in case of default. The rate should be collected quarterly, but disbursed monthly.
- (9) The payment of chaukidars should be made at the police-station at the first muster parade in each month by, or in the presence of, the officer in charge of the police-station.
- (10) The provisions of sections 46 A and 46 B of the existing law regarding the appointment of tahsildars should be repealed.
- (11) The duty of reporting vital statistics, epidemics, state of crops, etc., should be transferred from chaukidars to punchayats, who should send a written report by the chaukidar when he goes to the police-station to attend muster parade, or by post when more convenient.
- (12) The muster parade as at present conducted should be continued; but this is a matter not of law, but of executive order.
- (13) The supervision over chaukidars should be exercised by an official to be called the circle officer (halkadar), who should also collect the chaukidari rate. He should be directly under the orders of the Magistrate of the district, and should be paid by a levy of 25 per cent. over and above the amount levied for the chaukidar's salary, instead of 15 per cent. as now provided in section 13 of the Act.
- (22) The duty of reporting crime should not be enforced on landholders, but the punchayats appointed under the Act should be made responsible for reporting, and for this purpose should be declared to be "village headmen" under the provisions of section 45 of the Criminal Procedure Code.

Chapter III of the Report of the Police Commission of 1902-03 dealt with the village police. The Commission laid down that it is of paramount importance to develop and foster the village agencies available for police work. They sketched the history of the village police in the different provinces of India and noted the extent to which it is utilized in police administration. Finally they made the following specific recommendations:—

- (1) That the responsibilities of the village watchman for the performance of village police duties should be recognized and enforced in every province, and that the village watchman should be a village servant, subordinate to the village headman and not to the regular police.
- (2) That the supervision and control of the village headmen should be entrusted to the Collector or Deputy Commissioner and his subordinate officers.
- (3) That the regular periodical attendance of village watchmen at the police-station is unnecessary and undesirable.
- (4) That it is expedient to relegate the trial of petty offences to village headmen and punchayats, and that, where this system does not exist, it should be cautiously and experimentally introduced.

The Government of India agreed entirely with the principles enunciated by the Commission. They invited the local Governments to undertake a careful review of the village systems of the provinces with reference to the possibility of preserving them from decay by rendering them more efficient agents in the prevention and reporting of crime. "This, it would seem, may best be effected by conferring upon the village officers a defined status and powers to deal judicially with certain kinds of offences. Their dignity and authority would thus be greatly enhanced, and they would be enabled to relieve the regular criminal courts of trivial cases. The question, however, is so closely connected with the systems of land tenures and village organization, which differ from province to province, that it will probably have to be dealt with by separate legislation for each province."

As the outcome of the recommendations of the Indian Police Commission of 1902-03, Mr. H. Savage, C.S.I., was, in 1904, placed on special duty in connection with the improvement and development of village government and village police. He introduced what is known as the President Panchayat system in selected districts of the Province. The following were the main lines of the policy of Government, which Mr. Savage was asked to observe :—

- (i) Panchayats should really and not merely nominally cease to be under the direct orders of the police.
- (ii) Their status should be raised by giving them larger powers and privileges than they at present possess.
- (iii) They should in course of time deal with all revenue statistics regarding their union; they should arrange for the service of processes; they should supply information as to proprietorship of estates and other revenue matters. They should also ultimately, whenever found to be fit for it, dispose of petty local criminal cases.
- (iv) They should do all in their power to assist the police in suppressing crime.
- (v) Chaukidars must carry out all orders which were not illegal given by the police in the execution of their duty.
- (vi) Daffadars are the immediate link between the police and the village chaukidar, and should attend regularly at the thana and at more frequent intervals than the chaukidars.
- (vii) Unions should be formed large enough to ensure the possibility of obtaining suitable men for panchayats, but not so large as to preclude common local interests.

2. Mr. Wheeler took up the enquiry in October 1905 in succession to Mr. Savage and compiled a complete Chaukidari Manual for general application throughout the Province. Mr. Wheeler completed his report in April 1906, and, after careful consideration, orders were issued thereon by the Local Government in March 1907 and a report was sent to the Government of India simultaneously.

3. Hitherto the tendency had been to treat the panchayats purely as an agency for the assessment and collection of the chaukidari tax and for the punctual payment of the salaries of chaukidars, and the consequence was that the best men in the village kept away from serving on panchayats. The unpopularity attaching to the collection of the tax, the liability of the panchayats to have their goods distrained and sold as the immediate consequence of any default of the chaukidars' salary and the constant interference of the police were mainly responsible for this attitude of aloofness on the part of the best men of the village. Mr. Savage's President system was designed to relieve the leading member of the panchayat, who was known as the President, of all work in connection with the collection of the tax, which was entrusted to a collecting member nominated by the whole panchayat for the purpose, the dignity and status of the President being further enhanced by investing him with powers under sections 64, 127 and 128 of the Criminal Procedure Code to arrest any persons committing an offence in his presence, as well as to order unlawful assemblies to disperse, and, if necessary, to summon civil assistance for the purpose. He was also to be entrusted with certain miscellaneous functions, such as inspection of schools and pounds

within the union, supervision of the service of process by daffadars, the conduct of enquiries into unnatural deaths where no suspicion of foul play existed, and the collection of vital and other statistics. He was authorized to correspond direct with the Magistrate, and the chaukidars were required to parade before him at stated intervals, in addition to their regular parades at the thanas. The scheme was a step in the right direction, but it made very little headway, mainly for want of a special supervising agency. Although here and there an energetic District Officer was able to bring it to a state of mechanical efficiency, as a rule little attention was paid to the subject and the panchayats continued to be regarded solely as an agency for the assessment and collection of chaukidars' pay. In many cases Presidents were willing and able, but they were groping in the dark and their early struggles for more light soon degenerated into the apathy springing from neglect.

4. After the Commissioners' Conference of 1911, it was decided to introduce what was described as a "Circle system" and 10 Sub-Deputy Collectors were appointed and sent to selected subdivisions where the President Panchayat system was in force, to control and guide Presidents of those panchayats. In October 1911 Mr. D. Weston was placed in charge of the work. In October 1912 he was succeeded by Mr. J. N. Gupta, who continued in the work till October 1913. Mr. Gupta rearranged the Village Chaukidari Act, 1870, in a Bill prepared by him and added certain new matters in it, the most important of which are the following :—

- (i) The legalizing of the appointment of Presidents of panchayats, daffadars, munshis and secretaries.
- (ii) The raising of the scale of pay of chaukidars, daffadars, etc.
- (iii) Enhancement of the limit of taxation to Rs. 2 and in special cases to Rs. 3 per mensem, to provide for the increased demand on the Village Chaukidari Fund.
- (iv) The extension of the principle of "payments for protection" for the assessment of the rate, so as to include all land-owners and persons deriving any income from any property or business in the union.
- (v) The legalization of miscellaneous duties to be performed by Presidents and panchayats.

Mr. Gupta also prepared a draft Manual on the lines of his Bill. The final orders of Government have not yet been passed either on the Bill or on the draft Manual. They were left to be considered along with the recommendations of the District Administration Committee referred to in paragraph 6.

5. At the close of Mr. Gupta's deputation the addition of 40 appointments to the cadre of the Subordinate Civil Service was sanctioned temporarily by the Secretary of State in order to provide an agency for the better supervision of the village police, the development of the panchayat system and the formation of a link (other than that of the police) between the district administration and the people.

6. In October 1913 a Committee, known as the District Administration Committee, was appointed "to examine the conditions prevailing in the districts of Bengal; to compare them with those existing in other Provinces (more particularly in those areas in which the land revenue is permanently settled); and to report in what respects the administrative machinery can be improved, whether by the reduction of inordinately large charges, by the creation of new subordinate agencies or otherwise, with the special object of bringing the executive officers of Government into closer touch with the people." The Committee was constituted as follows :—

President.

The Hon'ble Mr. E. V. Levinge, C.S.I., of Bihar and Orissa.

Members.

Mr. H. V. Lovett, C.S.I., of the United Provinces.

The Hon'ble Mr. N. D. Beaton Bell, C.I.E.

Mr. C. E. Low, C.I.E.

The Committee made various recommendations. The most important ones relating to the village police are the following :—

- (i) *Control of Village Watch.*—In the opinion of the Committee, the principle of dual control over the village police as at present exercised by the regular police on the one hand and the panchayat on the other should continue; but the police control over the chaukidars might, in the course of time, be abolished with the development of the Circle system.
- (ii) *Increase of pay of chaukidars.*
- (iii) *Increase of assessment.*
- (iv) *Criterion for the imposition of chaukidari tax.*
- (v) *Establishment for the collection of chaukidari tax.*
- (vi) *Constitution of Village Courts and appearance of legal practitioners before such courts.*

The recommendations (ii) to (vi) have been included in the Hon'ble Mr. Beatson Bell's "Bengal Village Self-Government Bill" which is now under the consideration of Government.

CHAPTER XIII.

The Calcutta Police Force.

Between 1690, the date when Job Charnock set up his warehouse on the banks of the Hooghly, and 1698, when the merchants purchased the talukdari rights in the three neighbouring villages of Calcutta, Sutanati and Gobindpur, there was no call for any police arrangements on the part of the merchants. The chief merchant or President kept order within the boundaries of the warehouse compound, any serious case no doubt being dealt with by the Council, which consisted of the accountant, the warehouseman, the purser, and the receiver of revenues (who became later "Zamindar"). The Mogul Government was responsible through the landholders or zamindars for the prevention and detection of crime in the villages around, and possibly the only police official with whom the merchants ordinarily came in contact in these early days was the village watchman.

In 1698 the merchants were given possession of the talukdari rights in the three neighbouring villages-- the formal purchase was not completed till two years later. With these rights they acquired the obligation of the zamindar to the Mogul Government to keep the peace within their boundaries, and this duty was carried out by the President and Council.

The settlement began to increase in influence, and the powers of the local representative of the Mogul Government to maintain order decreased. In 1696 the Nawab had given the merchants liberty to defend themselves, and by 1707 the works at Fort William, "the Old Fort," were well advanced. In this year, too, the Directors made Bengal, which had hitherto been subordinate, independent of Madras.

The duties of the President and Council increased greatly. The management of the internal affairs of the villages was probably not regarded as of much importance and was left in the hands of a junior merchant. In 1720 this arrangement was confirmed by the creation by the Company of an appointment of "Zamindar of Calcutta." This officer exercised very extensive powers in executive matters, besides possessing civil and criminal jurisdiction over the Indian inhabitants; but the duties he regarded as most pressing were the collection of the ground rents and town dues.

The completion of the Fort and the constitution of Bengal as an independent administration, known henceforth as "the Presidency of Fort William in Bengal," added to the prosperity of Calcutta, and attracted Indian traders in large numbers. As the number of Europeans increased, the old patriarchal system, by which all disputes of whatever kind were decided by the President and Council, came to be questioned. In 1726, therefore, a form of administration familiar to the Company's servants was established by the *Royal Charter* of the thirteenth year of the reign of George I. The duties of municipal administration within the boundaries of the Company's lands was entrusted to a Mayor and nine Aldermen; but this body did not interfere with the jurisdiction of the "Zamindar," who continued to administer justice to the people on behalf of the Mogul Government.

The same *Royal Charter* of 1726 (subsequently confirmed by the *Charter* of 1753) established the following courts in Calcutta:—

- (1) The Mayor's Court—a court of record consisting of the Mayor and nine Aldermen, seven of whom together with the Mayor were by Statute to be natural-born British subjects; "the remaining two might be foreign Protestants, the subjects of any State or Prince in amity with Great Britain." The President and Council appointed the Mayor and Aldermen.
- (2) Against the orders of the Mayor's Court there was an appeal to the President and Council, who thus formed a second court.

- (3) Civil suits of a petty nature, "the subject matter of which did not exceed 6 pagodas (Rs. 40?), were determined summarily by a body of 24 Commissioners appointed by the Governor and Council for this purpose, and known collectively as the Court of Requests.
- (4) The fourth court consisted of the Governor and Council sitting as Justices in Quarter Session. This was a Court of Record, of oyer and terminer and jail delivery for trying and punishing all offenders and taking cognizance of all offences, high treason only excepted.

Besides these four "Charter" courts, however, there were three other "cutcherries" for the administration of the Mogul's justice to his people. These were—

- (1) The "Court of Cutcherry" consisting of the President and Council or any three of them (including the President)—a court of a very summary description, which dealt with all disputes of a civil nature between the people of the land; subsequently the duties were delegated to the "Zamindar."
- (2) The second was the "Fouzdari Cutcherry," where a member of Council or a member of the Company's service administered criminal justice on behalf of the Mogul Government—just as other zamindars in Bengal did at that time. This duty also was subsequently entrusted to the "Zamindar."
- (3) The third court was known as the Collector's Cutcherry, "which has been established in Calcutta ever since the Company has had anything to do with the collection of ground rent." This court consisted of one of the Company's servants, who sat for the disposal of the ordinary work of the Company's landed estate. He issued leases to the inhabitants and farmed out the revenue. He exercised the power in default of fine, whip and punish independently of any other court. This officer was known as the "Zamindar of Calcutta."

The position of the "Zamindar" came to be a very important one. He was responsible for the whole civil, criminal, police and revenue administration of the lands of the merchants so far as the people of the country were concerned. From its creation in 1720 to 1751 the young officers who held the post appear to have left much in the hands of the Deputy Zamindar, Gobindram Mitra, who, according to Holwell's report, committed "sundry abuses and depredations," which, owing to "the head of the office constantly fluctuating and changing and being also totally strangers to the nature of the office," were unchecked. Holwell was "Zamindar" from 1751 to 1756 and he appears to have done much to rescue the office from the evil state into which it had fallen.

Calcutta was sacked by the Nawab in 1756, but apparently the sack of the warehouses and the other buildings within the Fort made very little difference to the subsequent administration. Shortly after the return of the Company's servants, the "Charter" Courts and the "Zamindar" Courts again took up their old duties, and the administration of justice was conducted along the lines which existed previous to the sack, until 1774, when the Supreme Court appointed under the "Regulating Act" of 1773 was constituted.

During this period the "Zamindar" occupied in Calcutta, in addition to his other duties, the position of the "Fouzdar" and "Cotwal" under the Mogul Government. The police force was subject to his sole authority. It appears to have consisted of 143 pykes, "64 of whom were stationed as a nightly guard to the several inhabitants' houses." They received Rs. 2 monthly pay each. Holwell thought that there "was not propriety in the Company's bearing this expense (Rs. 128), trifling to each individual, but an heavy one to them," and retrenched it, "the head pyke remaining, as usual, security for any night-guard he might send to the inhabitants, who applied for it." This small provision for the subordinate police of so large an estimated population probably remained, with little alteration until 1778.

The Statute 33 Geo. III, Cap. 52 (1793), included measures of municipal reform. Previous to this Act the only Justices of the Peace in Bengal were the Governor-General and Members of the Supreme Council, the Chief Justice and the other Justices of the Supreme Court.

By an English Statute of 1714 Justices of the Peace in cities and market towns, at their General or Quarter sessions, were authorized to appoint scavengers for cleansing and repairing the streets and to raise money by assessment upon the inhabitants for defraying the expenses thereof, and it was apparently on the analogy of this Statute that the President and Council, acting as Justices of the Peace, raised from the inhabitants the money necessary for the cleansing and repair of the town. This Statute, however, was repealed in 1767 (7 Geo. III, Cap. 42).

In 1778, the Governor-General in Council passed a law which contained provisions for the appointment of a Superintendent of Police in Calcutta, and not fewer than 700 pykes, controlled by 31 thanadars and 34 naibs. The Superintendent was to have jurisdiction in petty larcenies, and they apparently intended to pay for this force by levying a tax under the Statute of 1714.

The law was disallowed by the Crown in 1780 as being inconsistent with the laws of England, but the annulment was not registered till 1783. Meanwhile in 1780, Commissioners (of Conservancy in reality, but called Police) were appointed, who were authorised to levy 2 annas in the rupee on the rent of shops, and 1 anna on houses. This fund was apparently devoted to the cleanliness and improvement of the town. The strength of the police at that time probably remained as in 1778.

The Act of 1793 (33 Geo. III, Cap. 52) first gave power to the Governor-General in Council to appoint British inhabitants, other than the chief officers above mentioned, Justices of the Peace, and then gave power "to the Justices assembled at the General and Quarter sessions to appoint scavengers for cleansing the Streets of the said Towns or Factories of Calcutta, Madras and Bombay respectively, and to nominate and appoint such persons as they shall think fit in that behalf, and also to order the watching and repairing of the Streets therein, as they respectively shall judge necessary, and, for the purpose of defraying the expenses thereof from time to time, to make an equal Assessment or Assessments on the owners or occupiers of Houses, Buildings and Grounds in the said Towns of Factories respectively, according to the true and real annual values thereof, so that the whole of such Assessment or Assessments shall not exceed, in any one year, the proportion of one-twentieth part of the gross annual values thereof respectively, unless any higher Rate of Assessment shall, in the judgment of the Governor-General in Council or Governor in Council of the said respective Presidencies, become essentially necessary for the cleansing, watching or repairing thereof, in which case the said Governor-General in Council or Governor in Council, shall and may, on any such urgent occasion, by Order in Council, authorize a further Assessment, not exceeding in any one year the half Part of the Amount of the ordinary annual Assessment hereinbefore limited, and that it shall be thereupon lawful for the said Justices to make a further Assessment, according to the Tenor of such Order, and not otherwise or in any other manner; and that all and every such Assessment or Assessments shall and may, from time to time, be levied and collected by such Person or Persons, and in such manner, as the said Justices, by their Order in Session, shall direct and appoint in that behalf, and the money thereby raised shall be employed and disposed of according to the Orders and Directions of the said Justices in Session respectively, for and towards the repairing, watching and cleansing the said Streets, and for no other Purpose; and that the said Assessments, being allowed under the Hands and Seals of such Justices, or any two or more of them, shall and may be levied by Warrant under their Hands and Seals, or the Hands and Seals of any two of them by Distress and Sale of Goods and Chattels of any Person or Persons not paying the same, within eight Days after Demand, rendering the Overplus (if any be) to the same Person or Persons, the necessary Charges of making, keeping and selling such Distress or Distresses being first deducted."

A further clause of this Statute (CLIX) lays down " That it shall not be lawful for any Person or Persons to sell any Arrack or other Spirituous Liquors within the Town or Factories of Calcutta, Madras or Bombay respectively, without a License for that Purpose under the Hands and Seals of two or more of the Justices of the Peace having jurisdiction and that the Powers and Authorities vested, by any Laws or Statutes now in force in that Part of Great Britain called England, in any Justices of the Peace for restraining the inordinate Sale of Spirituous Liquors, shall extend to and be put in force against all unlicensed Traders in Spirits of Spirituous Liquors within the said Towns and Factories respectively, by the Justices having Jurisdiction therein; and that if any Question shall arise touching or concerning the true Limits and Extent of the said Towns and Factories or any of them, the same shall be inquired into by the Governor-General in Council at Fort William, in respect to the Limits and Extent of Calcutta, and by the Governor in Council of Fort Saint George, in respect to the Limits and Extent of Madras, and the Governor and Council at Bombay, in respect to the Town of Bombay; and that such Limits as the said respective Governments, by Order in Council, shall declare and prescribe to be the Limits of the said Towns and Factories respectively, shall be held, deemed and taken in Law as the true Limits of the same; any Custom or Usage to the contrary notwithstanding."

The Municipal Fund thus created was administered by the Justices in Session up to 1830, when the system was greatly changed. In 1827-28 the assessment amounted to Rs. 3,36,532 and the amount realized was Rs. 2,65,972.

Lord Wellesley in 1800 appointed a Committee to consider the policing of Calcutta. I have been unable to trace the report of this Committee, but it appears from Regulation VII of 1806 that one result was the constitution of Justices of the Peace as Magistrates of the 24-Parganas and parts of the adjacent districts situated within a distance of about 20 miles from the town of Calcutta. This was evidently to give the Justices powers to follow and arrest outside the city limits persons suspected of committing an offence within the city. This arrangement appears materially to have assisted the Justices in the detection and prevention of crime within Calcutta limits.

In 1820 there was another inquiry into the police of Calcutta, but the only reference to it which I have traced is contained in the minute of Lord William Bentinck.

The inefficiency of the policing of Calcutta drew from Lord William Bentinck a minute dated 8th September 1829. I reproduce this minute below:—

The great inefficiency of the Police of this large City is the subject of universal remark. It has been pointedly adverted to in a charge from the Bench and hardly a week passes without the public prints calling public attention to it. I do not mean to go as far as Sir Charles Grey has done, nor do I give full credit to all the accounts that appear in the newspapers, but I cannot think that an Establishment of which so unfavourable an opinion is generally entertained can be in such a state as not to require to be looked into.

On referring to what has been done in former times with a view to the improvement of the Police, I find that a Committee was appointed in 1800 during the Government of Lord Wellesley, and in 1820 three Magistrates were directed to form themselves into a Committee "after some new arrangements which had been sanctioned by Government should have been in operation for a short time for the purpose of reporting on the various questions and suggestions contained in the several orders of Government to which no reply had been received up to that time," and being of opinion that a similar arrangement is the best calculated to ascertain the defects of the present system, and to apply the proper remedies, I beg to propose the appointment of a Committee to be composed partly of gentlemen who have that experience in conducting the duties of Police offices and partly by gentlemen to be selected from the influential class of the residents of the Town, in whom will be combined general ability with local knowledge. The Committee will of course take the present system in all its parts into consideration, and reorganize it, where it may appear to be inefficient, and it will be for the Board to determine whether any outline of what changes may be deemed desirable should be furnished to them, or whether it should be left to them to bring forward their own plans. The names of the gentlemen who have occurred to me as well qualified for the duty are

Mr. Charles Barnell, Chief Magistrate.
Mr. Hogg.
Mr. D. C. Smith, Judge and Magistrate
of Hooghly.
Mr. James Young.
Mr. Osider.
Mr. Phipps.
" C.

specified in the margin.

(Sd.) W. C. BENTINCK.

The 8th September 1829.

The following letter was addressed to each of the members :—

To—

C. R. BARNELL, Esq.,
J. W. HOGG, Esq.,
O. C. SMITH, Esq.,
J. YOUNG, Esq.,
J. CALDER, Esq., and
G. PRINSEP, Esq.,

GENTLEMEN,

I am directed to acquaint you that the Right Hon'ble the Governor-General in Council has been pleased to appoint you to be a Committee for the purpose of enquiring into and reporting the present state of the Police of Calcutta.

2. His Lordship in Council is desirous that your enquiries should not be confined to any particular branch of the Police, but that you should enter into the fullest consideration of the subject in all its branches to the extent of a complete reorganization of the system should such appear to be called for.

3. His Lordship in Council is desirous to leave you quite unfettered with regard to the amendments to be introduced, but he nevertheless deems it proper to bring the following points to your notice, to be adopted or otherwise as may seem expedient to your Committee :—

1st.—The propriety of dividing the town into two or more wards.

2nd.—The expediency of having a Barrister at the head office of each Division.

3rd.—That the gentlemen in Commission should be appointed to be Magistrates of Calcutta generally without their jurisdiction being limited to any particular Division; that parties having complaints to prefer should be at liberty to apply to the office of any Division. That instead of the present distribution of the duties, all the Magistrates should have equal authority in tracing out offenders and conducting the proceedings in each case to a termination, and that the subordinate officers of the establishment should be bound to pay equal attention to the orders of all Magistrates and be held responsible for neglect of these accordingly.

4. The Magistrates not included in the Committee will be requested to afford every information and assistance in the prosecution of the duty confided to you, and I am directed to furnish you with any documents in this office which you may wish to refer to.

I am, etc.,

(Sd.) A. SHAKESPEARE,

Secretary to Government.

COUNCIL CHAMBER,

The 15th September 1829.

In the report of the Committee appointed by Lord William Bentinck in 1829 to consider the question of the improvement of the police in Calcutta, there is a full account of the system then in vogue. The Magistrates (or Justices) in those days, besides dispensing justice, administered the Municipal Department, the Police Department, the Excise Department and the House of Correction. The magistracy was subdivided into four departments called, respectively, the Report, Felony, Misdemeanour and Conservancy Departments. The Chief Magistrate had a general control over the whole of the town and himself superintended the Conservancy Department. All communications to Government were made through him.

The Report Department was in charge of Justices, who had immediately under their charge the police forces divided up as follows :—

The Thanadari Police,
The Boundary Police,
The River Police, and
The Town Guard.

They received daily reports from all the different thanadars and in fact carried on the duties which are at present entrusted to the Commissioner of Police. The Justices did not try cases themselves, except a few of a trifling nature. They sent the parties either to the Felony Department or to the Misdemeanour Department as the case indicated. The Felony Department was presided over by two Justices of the Peace and their duty was to receive, investigate and determine all cases of felony referred to them for trial from the Report

Department and to take cognizance of charges of felony preferred direct. Where the case was of a serious nature they committed the accused to the Supreme Court; but wide discretion appears to have been allowed them. They had powers extending to a sentence of six months' imprisonment and a fine of Rs. 100. These Justices acted under "the bye-laws" and they tried and determined cases regarding bad and suspicious characters and persons found in possession of property for which they could not account. Similarly, two Justices presided over the Misdemeanour Department and dealt with cases concerning servants' breach of contract, cases of petty assaults, etc. Their powers extended to two months' imprisonment or a fine of Rs. 100. The Justices of this department were in direct charge of the Town Guard, and they heard all Town Guard reports and tried cases arising therefrom and committed, where necessary, to the Supreme Court.

The Town Guard was at first composed entirely of sepoys, but burkundazes were subsequently added. The force was under the Town Major and four sergeants residing in the vicinity of the Police Office. The Town Guard took the place of the present armed reserve and seems to have worked usefully in dealing with riotous sailors and deserters. The sergeants were reported to be steady, reliable men, recruited from the Hon'ble Company's artillery, who performed their duties with great efficiency.

There were also at this time 12 European sailors attached to the Police Office as constables, but their conduct does not seem to have been so satisfactory. The Committee made the following recommendation regarding the employment of Europeans:—

It is, we conceive, essential to any plan for the improvement of the police of this city that every European selected to fill the situation of Town Sergeant, constable, Police Inspector, or in fact in any subordinate appointment under the Magistrates, should be taken from the different regiments in His Majesty's Hon'ble Company's service and impartially chosen for the steadiness and sobriety of his character. It is further necessary that he should possess some knowledge of the native languages and customs, and that in case of misconduct or misbehaviour, a Magistrate should have the power of returning him to his corps.

Six of these constables resided in different parts of the town to help the thanas in cases where Europeans were concerned, and the Committee proposed that these men should be employed as Inspectors of Police or resident constables, each being placed in charge of four thanas. They considered that this would act as a check on the extortions of the subordinate police officers and that they would also superintend the work of the Conservancy Department.

The city was divided into 40 thanas, each in charge of a thanadar with a naib to act for him in his absence and 20 to 30 chaukidars. In addition there was a patrol force, divided into three parties, attached to each thana, consisting of 2 naibs and 12 chaukidars. Each chaukidar was allotted a post where he watched by night. In the morning he returned and submitted a report to the thana. Thanadars were paid Rs. 16, naibs Rs. 10 and chaukidars Rs. 4. The Committee recommended that their pay should be raised to Rs. 20, Rs. 10 and Rs. 5, respectively.

The Boundary Police were posted at 22 sidwally thanas forming a chain of posts round about the town. At each sidwally there was a jamadar and naib and from 8 to 16 burkundazes. These men were recruited from up-country and were armed. One of the difficulties which the inhabitants had to contend with was the power of promiscuous search of all people coming into the town by night which these guards possessed.

There were also guards of upergusti or grand rounds consisting of 1 jamadar, 9 naibs and 73 guards or girdwari paiks. This force was posted at the residence of the Chief Magistrate and was ready for all emergencies.

The River Police consisted of 9 sircars, 18 peons and 92 boatmen. There was a *bholio* for the Magistrate and 9 *chowki* boats to patrol the river. The River Police do not seem to have been very efficient. The main crime complained of was petty theft carried out by the River Police in collusion with the servants of the owners of the boats.

There were the following prisons and lock-up houses :—

- (1) the House of Correction,
- (2) the Town Guard prison, and
- (3) Kutha or female prison;

and all were found to be in good order. The Police Hospital, which was attached to the House of Correction, was said to be a receptacle for the diseased mendicants of the lower castes.

A tax of 5 per cent. on the gross annual value of property was assessed by the Magistrates assembled in General Session under Act XXXIII, George III, for the purpose of cleaning, watching and repairing the streets. On receiving the assessment, the Collector made out bills and his sircar realized the tax by distress if necessary. But the accumulation of arrears was very great. The conservancy of the town was carried out by 4 European scavengers with 2 constables and a staff of menials under them. In connection with the Conservancy Department the following services were rendered :—

Repair of roads,
Lighting,
Watering roads,
Fire engine department,
The abatement of nuisance,
Prevention of encroachment on streets and markets.

Gang robbery and dacoity, though common in the district round Calcutta, were practically unknown within city boundaries, and murder, burglary and theft were far from frequent. Affrays, too, were not common. The chief cases were domestic thefts and the Committee complained that the public engaged servants without any enquiry. The Committee reported that the police were generally in excellent condition and, so far as they could judge, free from corruption. They found, however, the following defects in the system :—

- (1) The want of a regular and constant attendance on the part of the Magistrates at the Police Office during the established hours of business.
- (2) The more than due support that is given to Indian police officers in disputes with the townspeople, both Indian and European, and the usage which has prevailed of exempting such cases from the ordinary mode of investigation.
- (3) Want of sufficient power invested in the Magistrates.
- (4) Delay and inconvenience that prosecutors and witnesses are subjected to.

The Committee found one of the chief public complaints was the difficulty of bringing any abuse of power or irregularity home to the different officers of the police. Charges in which the police were concerned had to come before the Report Department, and the Report Department did not deal promptly with them and too often shielded the police by not sending the case up either to the Felony or Misdemeanour Department, and they recommended that all the police officers should be liable to suspension, removal or other punishment on being found guilty of any specific offence or misconduct by any Justices of the Peace. The Committee proposed that new bye-laws should be passed dealing with processions, seamen, carriages, carts and boats plying for hire, to prevent the ill-treatment of cattle, to regulate markets and weights and measures, to license hawkers, etc., and to prevent the building of thatched houses to the danger of the town.

Delays in obtaining justice were very great, because the case was heard first in the Report Department and then afterwards again in the Felony Department or Misdemeanour Department instead of being disposed of at once.

The Committee went very carefully into the subject of dividing the town into two police jurisdictions and they decided against this proposal. Briefly

stated, they found that, so far as the magisterial duties were concerned, the division would be a good thing; but so far as the executive police administration was concerned, it would be a bad thing.

Finally, the Committee recommended that the Chief Magistrate should have no other duties except his magisterial ones and that he should be associated in the discharge of these with one of the Magistrates of the Report Department to assist him to administer the police forces, and they recommended that two Magistrates should be appointed to each of the departments dealing with felony, misdemeanour and conservancy, who should attend office regularly from 10 A.M. to 4 P.M. They recommended also the appointment of sergeants as Inspectors of Police.

The Governor-General, in a Resolution dated the 30th November 1830, commented on this report. He approved of the Committee's proposals regarding the Chief Magistrate and suggested that he should have concurrent jurisdiction with the Magistrate of the districts adjoining Calcutta. Instead of associating with the Chief Magistrate one of the Magistrates of the Report Department, the Governor-General suggested that there should be under the Chief Magistrate a Superintendent of Police, not being a Magistrate but probably a military officer. This officer would control the sergeants, constables, thanadars, chaukidars and the whole police establishment, having the right both of appointment and of dismissal; but complaints against officers of police should be investigated by the Magistrates. He condemned the separation of the magistracy into departments and suggested that the Magistrates should sit singly, unless where the law requires that two Magistrates should pass sentence. He suggested that the Magistrates should sit singly during the early part of the day to receive reports of the police officers and to relieve them of attendance as speedily as possible, and at the close of the day two Magistrates should sit jointly to dispose of the reserve cases in which the concurrence of the two Magistrates was required. He suggested that each Magistrate should have a specified legal jurisdiction. He considered that four Magistrates, in addition to the Chief Magistrate, would be quite sufficient for all the judicial business of the magistracy. He also suggested the appointment of a Barrister to attend at the Police Office in cases of intricacy or legal difficulty when the Magistrates might desire his attendance. The Governor-General accepted the view of the Committee against dividing the town into two jurisdictions, and he accepted the view that police officers should be paid at the same rate as others in the same rank of life, but he pointed out that it was certain that dishonest officers would not desist from whatever evil courses they may be addicted to merely because their pay was raised. He suggested also that an increase might be attained by a reduction in the number of officers. He adopted the recommendations of the Committee to transfer the collection to more efficient hands; but instead of appointing a separate Collector he suggested the handing over of the duties to the Superintendent of Police. But he was in favour of the collection and assessment of the tax being kept in different hands. The assessment was authorised by the Justices in Session; but the assessors were to act under the direction of the Chief Magistrate. Appeals against the assessment, however, were to continue to be heard by the Justices in Session. The Governor-General was not in favour of passing the new bye-laws proposed, as he feared that the inferior officers of the police would not fail to turn them into profligate engines of extortion and oppression.

The Governor-General expected that the Chief Magistrate would continue to give special attention to the Conservancy Department, but the fire engine was to be under the Superintendent of Police.

Under the old *régime* there were seven stipendiary Magistrates. Under the new *régime* it was proposed that there should be one Chief Magistrate, four stipendiary Magistrates, one Barrister (Barrister was never appointed), and a Superintendent of Police, who is also a Justice of the Peace. These orders were directed to the Justices in Session.

The regular assessments authorized by the Statute of Geo. III (1793) continued till 1840. The excise duties were apparently credited to General

Revenues. The assessment on houses, etc., was made at the rate of 5 per cent. and the income was spent by the Justices, as they believed, to the best advantage. The system was first to assess the tax and then to see how far the proceeds would go: the procedure of preparing a budget to see how much expenditure was necessary and then calculating the assessment on this basis was not followed. Between 1830 and 1840 the annual revenue fell short of the annual expenditure by a sum of three quarters of a lakh yearly. Lord William Bentinck had improved the collection of the tax by the appointment of a Collector and by making the Chief Magistrate responsible that the tax was duly realized. The Government continued to levy excise duties in Calcutta under the Statute of Geo. III (1793) for the good order and civil government of Calcutta and this tax yielded annually between 1830 and 1840 about Rs. 1,70,000, but the money was apparently credited to General Revenues and not to the Town Fund. The town of course had no claim on the ground rents of the old zamindari, which amounted to about Rs. 12,000.

A new system of assessment was authorized by Act XXVI of 1840. The preamble states the objects of the Act—(1) to specify the particular purposes to which rates assessed on houses, buildings and grounds in Calcutta shall be applied; (2) to abolish the system of levying 5 per cent. irrespective of the amount necessary to accomplish the purposes of the rates; (3) to make the percentage leviable depend on the expenditure necessary for carrying out the purposes to which the rates are henceforth to be applied; (4) to entrust the collection and administration of the Fund to the rate-payers, wherever they are desirous of assuming the responsibility.

The Act laid down that (1) the rates should be applicable to lighting and watering the roads and streets and cleansing and repairing the same and the drains; (2) wherever two-thirds of any of the people in any of the four divisions into which the town was divided desired to undertake the administration and collection of their own rates, the Governor in Council could entrust them with the necessary power.

It will be seen that the excise duties are excluded from the preamble and that "watching" has been omitted from the Act.

The next enquiry into the Calcutta Police appears to have been made in the year 1845. Lord Dalhousie appointed a Committee, over which Mr. Patton presided, to enquire into the present state of the Calcutta Police in all its branches and to report the result with the view to effect a reform in those departments which may appear to be defective and require to be placed on a better footing.

This Committee had before them the report of 1829 and the report of the Fever Hospital Committee of 1837. They divided their report under two heads—

- (1) executive and ministerial police for the preservation of the peace, the prevention of crime, apprehension of offenders and the duties of the magistracy in the exercise of these functions; and
- (2) assessment and conservancy.

The tax was no longer assessed under the old Act of George III, but under Act XXIV of 1840. In the interval a Deputy Superintendent of Police, who was also Captain of the Town Guard, had been appointed. He paid the force their wages. There were at this time 37 thanas within the limits of the town, 33 of which were the old thanas with, as before, a thanadar, a head naib, two patrol naibs; but the chaukidars of each thana had been allotted—12 for the day from 10 to 34 for the night. The total number of chaukidars was 647, distributed among the 33 thanas. In July 1840 four thanas out of the 37 were abolished and in the European part of the town a scheme was introduced on the London model. The Town Guard, Paik Guard and the Boundary Guard were as before. European police consisted of 5 town sergeants and 11 constables, the town sergeants being armed men, and receiving their pay from the army. The sergeants assisted the Town Guard

when necessary. Of the 11 constables, 5 were called divisional constables and they resided in their respective wards. They drew a salary of Rs. 60 and a house allowance of Rs. 30 and were permitted to receive gratuities from the Indian and European gentlemen for attendance at their houses. They also received an allowance for attending churches. They received Rs. 5 for every warrant executed, generally paid by the party apprehended.

The River Police consisted of two European constables (each with *bholio*) and 9 *chowki* boats, each boat having a peon, a manji and 8 dandis. The constables had jurisdiction from Ishapore khal on the north to the sea on the south. They received Rs. 200 per mensem. In accordance with the Resolution of 1830 a Chief Magistrate and four Divisional Magistrates had been appointed. In 1840 one Divisional Magistrate went on leave to Europe, one resigned, and from 1842 to 1845 the whole of the duties were carried on by the Chief Magistrate and the two stipendiaries. The Chief Magistrate exercised general control over the executive branch in the police and had exclusive cognizance of river and Admiralty cases as well as those arising in six of the thanas of the first division. He also managed the judicial conservancy duties of the town, took cognizance of all cases connected with the assessment and conducted all correspondence. He was Chairman of the Municipal Committee composed of the Justices in Session acting under the provisions of Act XXIV of 1840.

The senior Magistrate, Mr. Blacquiere, had charge of the fourth or southern division of the town and also five thanas belonging to the northern. He also had charge of the Abkari and License Department and was Chief Interpreter to the Supreme Court. The remaining Magistrate, Mr. Robinson, presided over the remainder of the first and second and whole of the third division.

The Committee enumerated the defects of the police. Apparently the appointment of a Superintendent of Police had been attacked, but the Committee pointed out that the separation of functions which had been caused thereby accorded with broad principles of criminal justice and the administration of the police. The executive head is responsible for the state of crime, the judicial head deals with the criminal.

The next complaint dealt with is the inability of the judicial Magistrates to punish police officers for misconduct in consequence of a prohibitory order to that effect from the Government. In 1830 the Government ruled that all charges against police officers should be investigated by the Magistrates; but in consequence of a representation from the Chief Magistrate, the Government were induced to discontinue this and they ordered that the Superintendent of Police should enquire into such cases and pass orders, subject to an appeal to the Chief Magistrate. Mr. Patton's Committee recommended a return to the previous practice.

Another defect was the venality and supineness of the Indian police and the consequent utter want of confidence in them by the public. The Committee considered that the remuneration of thanadars was inadequate and that they were immeasurably inferior to the mufassal darogahs. In spite of the recommendation of the Committee of 1830 there were still 18 thanadars paid at the rate of Rs. 16 a month, while 11 received Rs. 25, 3 Rs. 30 and 1 Rs. 40 a month. The Committee pointed out that responsibility was thus laid upon men who were not sufficiently respectable to be entrusted with it. They did not think any benefit would result from paying a present incumbent a higher salary. The evil could only be remedied by a careful selection from a higher order of men with better pay and under a more rigid system of check and supervision. The same remarks applied to the naibs. The Committee found a universal belief that the chaukidars of Calcutta were utterly unfit for the performance of the duties required of them. They were represented as corrupt, ignorant of their duty and morally and physically incapacitated from being worthy guardians of life and property. The bulk of them were Mulammadans of the south-eastern districts and they received Rs. 4 to Rs. 4-8 per mensem. The pay was inadequate and yet there was no difficulty in finding men to serve.

ABSTRACT

Number of men.			Number of men.		
Europeans	...	16	Europeans	...	40
Native officers	...	189	Native officers	...	82
Burkundazes	468	1,650	Burkundazes	...	1,250
Payke and chaukidars	1,182		Troopers	...	26
Total	...	1,855	Total	...	1,498

The Committee recommended the introduction of the rules and regulations laid down for the guidance of the London Police.

The Committee then drew attention to a letter addressed to Government by the Officiating Advocate-General, dated 1st May 1845, and they concurred in the opinion expressed that it was desirable to appoint an officer of the legal profession, whose duty it should be to see that the forms of warrants, convictions and commitments are correctly drawn up, point out insufficiencies of evidence which might escape the notice of the Magistrate and attend to the cases sent up for trial to the Sessions, and thus remove the existing impediments in the way to the successful prosecution of offenders.

The Committee recommended a regular elevation from the burkundaz on Rs. 5 to the darogah on Rs. 50 and recommended the absolute necessity of confining promotion within the force. The Committee commented strongly on the necessity for choosing only the best men for the force. The Committee considered the question of a detective force. They referred to a detective force in Madras which apparently was separate from the preventive force, but considered that the Madras material did not exist in Bengal. They recommended that the Superintendent of Police should be required to undertake the exclusive management of the detective duties and devote his best energies to discharge them efficiently. He should employ with discretion the agency of informers and reward such as afford information leading to the conviction and punishment of perpetrators of heinous crimes. They suggested that the Deputy Superintendent should be in charge of the preventive branch. The Committee then dealt with the River Police. They found robbery by violence unknown. The trouble was petty thefts and pilfering done by the agents of the owners in collusion with the river thieves, and the Committee found that the remedy lay as much with the merchants as with the police. The Committee recommended an addition of three police *chowki* boats and two additional European constables. The Committee recommended that the number of Magistrates should be four, including the Chief Magistrate. They reported that the efficiency of the police would be better maintained if a law were enacted authorising the punishment of gross neglect of duty by a fine and imprisonment. They considered that an enactment to punish cruelty to animals was very much required. Offences of this kind were of very frequent occurrence among the people of this country—particularly the drivers of hackeries and kerachies, "whose inhuman treatment is at times painful to witness."

The Committee expressed the opinion that Act XXIV had failed in its main object, viz., that of inducing the rate-payers to take the control and supervision of the assessment and collection of the rates and the management thereof themselves. They said they were not prepared to entrust to the rate-payers the management of municipal affairs. At the same time they considered that the Magistrates should be relieved of these duties, as they had not time to attend to them. The Committee recommended that the powers and duties in regard to the assessing, collecting and disbursing of the rates should be entrusted to two Commissioners, of whom the Chief Magistrate should be one. The main cause of the defective state of the conservancy was the want of adequate funds. Rupees 2,20,000 was insufficient to clean, repair, light and water the town with 120 miles of thoroughfare. Funds were even then raised under Statute XXXIII, Geo. III, Cap. 52, section 158. The Committee recommended the increase of rate to 5 per cent. and the imposition of a tax on carriages. The Committee proposed limiting the application of

the tax to the division in which it was levied. Any division which required more advantages would have to pay for them. They recommended a separate water-rate for watering the streets.

The Governor of Bengal (Lord Hardinge), in letter No. 1253, dated the 21st July 1845, forwarded recommendations with this report to the Government of India. He explained that before 1840 there was a Chief Magistrate and four ordinary Magistrates. In 1840 Government omitted to fill up a vacancy, and in 1844 another vacancy occurred which had not been filled up. The judicial duties of the Police Office were done by the two ordinary Magistrates, who divided the town into two parts. The Chief Magistrate supervised all and dealt with shipping and conservancy. The senior ordinary Magistrate, Mr. Blacquiere, had been appointed to the Bench in 1800 and was at this time 80 years of age, 65 of which he had spent in India. In addition to his duties as senior Magistrate he managed the Excise Department and was also Chief Interpreter of the Supreme Court. The executive police were under the Superintendent, Captain Birch, and his Deputy. The Governor did not recommend that the procedure of hearing complaints against the police should be altered. He approved of the recommendations of the Committee regarding the introduction of the London system and the increase in the pay of the force. He thought, however, that too sharp a distinction was drawn between Europeans and Indians, and he thought it a mistake to close the channel of promotion for Indians beyond the post of darogah drawing Rs. 50. The Governor did not approve the proposal of the Advocate-General, as he thought that the Magistrates ought to be specially competent to see that the cases were properly prepared for the Supreme Court as in the case of the mufassal. He doubted the possibility of recruiting on Rs. 5 a month a man who would be suitable for promotion to the post of darogah. The Governor approved the proposal that appointment to higher stations in the police should be entrusted to the Chief Magistrate and to the lower to the Superintendent of Police. The Governor entirely disapproved of the proposal that the Superintendent of Police should be head of the detective force and the Deputy the head of the preventive force. The Governor was of opinion that the Chief Magistrate and the two ordinary Magistrates could quite well do the work and he considered that the Chief Magistrate ought to deal with all cases of great importance and difficulty; but the other two Magistrates were to attend regularly and have no other duties. He relieved Mr. Blacquiere of his magisterial duties but permitted him to draw his full pay. The Governor recommended that in place of three Magistrates sanctioned, there should be two—one on Rs. 2,000 and another on Rs. 1,500—and that the Police Superintendent should be paid Rs. 1,000. They also recommended that the Chief Magistrate should be in reality the head of the police and that he should personally receive reports of the police officers, it being the duty of the Superintendent to see to the execution of the Chief Magistrate's orders. The other recommendations of the Committee were mostly accepted. The Governor did not approve of the scheme for having two Commissioners of Conservancy, one being the Chief Magistrate on Rs. 1,000, and he likewise disapproved of the proposal to have a carriage tax. The Government of India acceded to these proposals.

The discussions concerning the policing of Calcutta culminated in the legislation undertaken in 1855, which subsequently passed into law as Act XIII of 1856.

The object of this legislation was to consolidate and amend the laws relating to the police and the administration of justice in the Police Courts of the towns of Calcutta, Madras and Bombay.

The leading feature of the Bill was the complete separation of the duties of Superintendents of the executive police from those of the Justices of the Peace acting judicially. The model followed was that of the London Metropolitan Police.

The first part of the Bill proposed, in pursuance of the plan which had been found to work so well in London, to commit the management of the police exclusively to an officer to be styled the Commissioner of Police, who was not to act judicially as a Magistrate, and, though he was to be a Justice of the Peace, was to exercise his powers in that capacity only so far as might be

be within the time of the present generation that Calcutta would be able to be spoken of as a city subjected to any successful process of sanitary reform whatsoever. Colonel Bruce therefore advocated that Mr. Schalch should be the head of the police. Colonel Bruce considered that the charge of the police force was indispensable to the Chairman's office, but that it was a power which should be used with much prudence and judgment. Colonel Bruce pointed out that, while the city of Calcutta contributes nothing whatever towards its own protection, the suburbs contribute more than one-half and Howrah pays about one-half of the entire cost of its police, and the city of Calcutta does not even provide police-stations, which are all hired at very high rents. Colonel Bruce recommended that the whole police should be transferred to the Chairman of the Justices and the Government should cease to contribute in any way towards its maintenance. Or if this measure was thought to be too sweeping, the Government, following the example at home with reference to County police, might give an annual donation of one-fourth of the cost, subject to a periodical report. Colonel Bruce pointed out that it would be cheaper to borrow money to build than to rent them. He suggested that police divisions and municipal divisions should be made contemporaneous. In letter No. 2237, dated the 12th August 1864, the Government appointed the Chairman of the Justices of the Peace for the town of Calcutta to be the Commissioner of Police.

Act II (B.C.) of 1866 excluded the suburbs of Calcutta from the General Police District of Bengal, and placed them also under the Commissioner of Police. This was necessary as, owing to the transfer of the Suburban Police from the Magistrate of the 24-Parganas to the Commissioner of Police, an entirely new organization was given to the force similar to that provided for the Calcutta Police under Act XIII of 1856.

In January 1887 the Finance Committee with the Government of India noticed by a comparison of the cost of the police in the three presidency towns of Calcutta, Madras and Bombay that the Calcutta establishment was much the most expensive of the three, while Madras was the cheapest. The figures upon which this opinion was based are given in the following table:—

	Area.	Population.	Number of police.	Cost.	RATIO.			
					Number of police.		Cost of police	
1	2	3	4	5	6	7	8	9
	Sq. m.			Rs.	Per sq. m.	Per mille of population.	Per sq. m.	Per mille of population.
Calcutta City ...	7.9	405,019	1,497	4,67,415	189.5	3.7	59,166	1,154
„ Suburbs	21.5	251,439	716	1,59,870	31.8	2.8	7,105	637
Madras ...	27	405,808	729	2,02,253	27	1.8	7,491	498
Bombay ...	22	773,196	1,388	4,11,648	63	1.8	18,711	532

The Committee considered that the difference in expenditure was sufficiently large to justify a special enquiry being held as to what the reasons were which required the police in Calcutta and Bombay to be so much more costly than in Madras. While admitting that some variation should exist they observed that, after making allowances for such differences in the local conditions as occurred to them, they were not satisfied that the police were as economically managed in Calcutta or in Bombay as in Madras. They therefore recommended that the Government of India should depute a skilful and an experienced officer to carry out this enquiry, visiting the three cities and minutely examining the details of the expenditure and the strength of the respective forces and the amount of work required from them in order to be able to suggest any measure of economy. The Government of India

selected Mr. A. H. Giles (a District Superintendent of the Bengal Police who had officiated as a Deputy Commissioner in Calcutta) to undertake the enquiry. Briefly, the recommendations made by Mr. Giles were as follows :—

That a comparison, based on the state of crime, between the police forces of two distant places would be unfair and useless in the extreme, the surroundings of each being utterly different, and a police force being, like all organisms, liable to be moulded by its environments. Unless the environments can be modified, comparisons based upon an absolute, rather than a relative, state of things are fallacious and worthless. The safest criterion of police efficiency was, according to Mr. Giles, a thoroughness of system; the best procurable material distributed to the best advantage, guided by appropriate rules, restrained by wholesome discipline, and maintained at reasonable cost. Mr. Giles expressed the opinion that the Madras City Police, though less costly, was not so well organised as either the Calcutta or Bombay Police forces, and that it was susceptible of improvement by a different distribution of both money and men. Taking no account of relative strength, the Calcutta Police was, Mr. Giles thought, quite as efficient as that of Bombay under more difficult circumstances. The city of Calcutta was of far greater relative importance than appeared from a comparison of population only. The figures of area, or of mileage of streets and lanes, more nearly represent the relative proportions of the rival towns and, this being granted, Calcutta might claim to have for ordinary police work, three men where Bombay had two. Mr. Giles also observed that the salaries of the bulk of the force in Calcutta were considerably lower than in Bombay.

Mr. Giles's report also contained recommendations regarding the rates of the contribution for police by municipalities and the Port authorities.

CHAPTER XIV.

History of relations between Calcutta and Bengal Police.

There are in Bengal two independent police forces—the Calcutta force under the Commissioner of Police, Calcutta, and the Bengal Police force under the Inspector-General. These forces have been independent of each other since the beginning. The germ of the Calcutta force is to be found in the arrangements which the Chief of the Factory made in the early years following 1690 for keeping the peace among the few Europeans who were gathered round the Company's warehouses. There was no direct sanction for any police jurisdiction on the part of the Chief, but any one who disobeyed his orders was liable to be deported in one of the Company's ships. In 1698 the Chief's responsibility for keeping the peace became more formal. In that year the merchants became talukdars of the three villages—Calcutta, Sutanati and Govindpur, and as such they were responsible to the Viceroy of the Moghul Government for maintaining the peace and for preventing and detecting crime. The only police officers at this time were probably the village watchmen and any watchmen appointed by the Chief to protect the Company's property.

This primitive state of affairs continued till 1726. In September of that year by a Charter of George I three courts were established, two of which, the Mayor's Court and the Court of Quarter Sessions, dealt with the subjects of King George who broke the laws of England while resident within the jurisdiction of the court. The Zamindari Courts dealt with breaches of the Moghul criminal law on the part of the Moghul's subjects. On the death of Aurangzeb in 1707 the strong arm which maintained the unity of the Empire was removed and the weakening of control was soon felt throughout Bengal. In the same year the settlement of the Company on the banks of the Hooghly was raised to the status of a separate and independent Presidency. The Fort, which had been in course of construction since 1696, was at last completed and afforded protection to the people of the country against the growing lawlessness in the districts. Calcutta had become a large trading centre, and in consequence the numbers employed by Government to keep the peace had increased.

Holwell's "Town Guard" had taken the place of the watchmen employed by the merchants for the protection of their own and the Company's property, and of the village chaukidars under the Moghul system.

In December 1757 the merchants undertook the administration of the zamindari rights of the 24 Parganas and became responsible, like other zamindars, for the policing of the area. This state of affairs continued up to 1792, when the Company made up their minds to acknowledge their responsibilities and "to stand forth as Dewan." The cession of the revenues of Burdwan, Midnapore and Chittagong made no difference to the police responsibilities of the merchants: the zamindars of these districts who paid the revenue direct to the Company were responsible to the Moghul Viceroy at Murshidabad for the police administration, and even when the Company became Dewan in 1763 we know from the despatch of the Court of Directors that they deliberately repudiated any responsibility for police administration. In 1772 with the advent of Warren Hastings commenced the acknowledgment of responsibility. When in 1774 Warren Hastings wrote his minute on police reforms the state of affairs was as follows:—

- (1) There was a force of watchmen at Calcutta for the maintenance of the peace within the city's boundaries.
- (2) There was a force of watchmen, and probably thanadars, under the control of the Company as zamindar of the 24 Parganas.
- (3) There were various forces of watchmen, thanadars and other retainers belonging to the zamindars throughout Bengal, Bihar and Orissa. Some account of these forces has been given in the chapter on the "History of the Village Police."

The first of these forces developed into the Calcutta Police force, the second was merged in the Bengal Police force and the third (with the exception of the village watchmen) was abolished by the Regulation of 1792.

The object of the Regulation of 1792 (which was confirmed by Regulation XXII of 1793) was the establishment of an efficient police throughout the country and (if we except the attempt made by Warren Hastings in 1772) from this time dates the establishment of the mufassal thanas. The immediate effect of this Regulation around Calcutta was probably not great. The Company as zamindar of the 24-Parganas had been responsible since 1757 for the policing of the area round Calcutta; but at this period there was a general desire for better police arrangements within the city and the suburbs. The settlement was growing rapidly; people were building houses in the suburbs and the want of protection came more to notice. A complaint arose at this time, too, which has been repeated ever since. The city was a centre for crime, and the criminals from the city committed crimes outside the city walls. The police of the city were responsible for the peace only within the city boundaries and the protection of the suburbs was left to the thanadari police of the 24-Parganas. In Calcutta at this time crime was dealt with by the Justices in Quarter Sessions.

In the suburbs (*i.e.*, without the city boundaries) crime was dealt with by the District Magistrate of Alipore or of Hooghly, as the case might be. In 1800, to meet the difficulty, the Justices who formed the Courts of Quarter Sessions for the town of Calcutta were given the powers of a Magistrate within the 24-Parganas district and the parts of the other adjacent districts within a distance of 20 miles round Calcutta. The result of this was virtually to increase the police jurisdiction of Calcutta by including within its area the suburbs within a circle of 20 miles' radius, but the jurisdiction of the Magistrate still continued concurrently with that of the Justices.

The body entrusted with the duties of watch and ward in Calcutta was gradually developing into a City Police force and was coming into contact with the professional crime which had at this time, through the failure of the thanadari police to cope with some of the functions of the old zamindari police, spread throughout the districts. The necessity for some central police authority in the province was felt—some authority which could co-ordinate the work of the City Police, the 24-Parganas Police and the thanadari police. The words of the preamble to Regulation X of 1808 explain the situation:—

Judicious and well-concerted measures should occasionally be adopted from the capital, in addition to the local administration of the police, for the apprehension of public offenders, and for the maintenance of general order and tranquillity throughout the country. By concentrating information obtainable from different parts of the country in a particular office at the Presidency, a successful plan of operation may be devised and executed when the efforts of the local police officers would be unavailing. Information and measures conducive to the discovery and seizure of the gangs of dacoits, which still continue to infest many of the zillas in the province of Bengal, may especially be promoted by the appointment of a Superintendent of the Police. A power vested in this officer to act in concert with the zilla and city Magistrates, or independently of them as circumstances shall direct, may also be usefully employed in the detection and apprehension of persons charged with or suspected of other public offences; and to promote this object it is expedient that he should be one of the Justices of the Peace for the Presidency.

Under section II of Regulation X of 1808 a covenanted servant of the Company was therefore appointed as Superintendent of the Police and he was given powers of a Justice of the Peace in Calcutta, of a Magistrate of the 24-Parganas, and in certain matters connected with the arrest of offenders a concurrent jurisdiction with all the District Magistrates in Bengal (and later in Bihar but not in Orissa) and the City Magistrates in Dacca and in Murshidabad. This officer and his staff formed a primitive Criminal Investigation Department for the Province, and the system continued up to 1837, when this Criminal Investigation Department was decentralized and the powers of the Superintendent of the Police entrusted to the new Commissioners of Revenue and Circuit.

The relations at this time between the Calcutta and Bengal Police forces were as follows :—

- (1) The Calcutta force were solely responsible for the peace of the town area; but they could arrest offenders within a circle of 20 miles round Calcutta and could take any steps they pleased for the prevention and detection of crime within this suburban area.
- (2) The District Police were responsible for the peace of the suburban area, but they had no authority to follow and arrest criminals within the city boundaries.
- (3) There was a Criminal Investigation Officer, with headquarters in Calcutta, who had extensive powers within the city and throughout Bengal.

I have not been able to trace the development of the jurisdiction of the Justices in the suburban area. Probably the policing of the city itself was more than enough for the small police force under the Justices and their extra-territorial work was confined to following and arresting persons who were suspected of committing crime within the city.

From 1837—when the Criminal Investigation Officer was abolished—the two forces appear to have worked independently; but in the following year Mr. F. J. Halliday in his minute of dissent from the report of Mr. Bird's Committee stated that in his opinion the Calcutta Police, like that of the rest of the country, should be placed under an officer whom he proposed should be in charge of the whole police force of the Province and that it should form part of the general system. He considered that, separated, the two systems of police (that of Calcutta and the mufassal), would, whenever they would come in contact, injure each other, as in practice he alleged they then did; united, he thought they would in a very high degree assist each other's efficiency and that to be subject of the authority of the Superintendent-General of the Mufassal Police would in no degree weaken the Calcutta Police, and that the alteration would give an incalculable addition of power to the machinery of the former. Nothing, however, came of this proposal and it is of interest to note that Sir Frederick Halliday when Lieutenant-Governor of Bengal did not revert to the subject.

In accordance with the recommendations of the Committee of 1845 the Government reorganized the Calcutta City Magistracy. Two additional stipendiary Magistrates were appointed and the Chief Magistrate's duties were defined and included for the most part the duties now performed by the Commissioner of Police. The Superintendent of Police was directly in charge of the force and saw to the execution of the Chief Magistrate's orders.

By the Act of 1856 police duties were completely severed from those of the Magistrates and a Commissioner of Police on the London model was appointed.

In 1864 the Commissioner of Police became Chairman of the Justices and a Deputy Commissioner of Police was appointed for the management of the force. On the 1st April 1889 the two offices of Commissioner of Police and Chairman of the Justices were again separated; the Commissioner became the Chairman, and the Deputy Commissioner became the Commissioner of Police.

The Bengal force was completely reorganized by the Act of 1860 and was placed under an Inspector-General. In 1862 the Howrah Town Police were placed under the Commissioner of Police, Calcutta, an arrangement which lasted about four years.

The Act of 1866 withdrew the present suburban area from the jurisdiction of the Bengal Police and placed it under the Commissioner of Police, Calcutta.

In 1872, the Commissioner of Police, Mr. Wauchope, submitted to Government certain proposals for the reorganization of the police of the suburban area, and in doing so he suggested the propriety of extending the jurisdiction of the Commissioner of Police, Calcutta, beyond the present suburban area. He alleged that a large proportion of the crimes of burglary,

dacoity, etc., committed within a radius of 20 miles, but outside his jurisdiction, were the work of men ordinarily residing within his jurisdiction. He recommended the extension of his jurisdiction to Barrackpore on the north and 15 or 16 miles to the south and he deprecated the recent withdrawal of Howrah from his jurisdiction. Colonel Pughe, at that time Inspector-General of Police, did not think that the supervision of the Commissioner of Police over this enlarged area could possibly be as effective as the supervision of the District Magistrate and his Superintendent of Police. He recognised the need of close and constant co-operation and suggested the daily interchange of reports on crime and criminals. Out of this discussion, again, arose a discussion on the proposal to amalgamate the Calcutta and Bengal forces; and on 4th October 1873 Sir George Campbell, the Lieutenant-Governor, wrote as follows to the Government of India :—

Hitherto the Calcutta Police, acting under a different procedure, has been wholly distinct from the Bengal Police, and for some time past there has been in force an expensive arrangement under which Calcutta has had a very highly-paid Commissioner of Police distinct from the Chairman of the Justices. The chief object of this was to obtain for the time the peculiarly valuable services of Mr. Wauchope in the former capacity. The immediate prospect of Mr. Wauchope's departure now, however, renders it necessary to consider what plan it is necessary to adopt for the future. The Lieutenant-Governor has already said that looking to Calcutta alone he does not advocate the separation of the offices of Chairman and Commissioner of Police and His Honour is still of that opinion. But in considering relations of the Calcutta Police to that of the Suburban Districts—in fact to the rest of these Provinces—the question has arisen whether the means at our disposal for dealing with crime would not be very materially augmented and improved by some change which should bring the metropolitan force into close connection with that of the rest of Bengal.

Under the system formerly in vogue it would not have been easy or perhaps desirable to attempt this. The Inspector-General of Police was entirely dissociated from the control of operations relating to crime and devoted himself mainly to supervising the discipline and finance of the department. The Lieutenant-Governor early found the need of working the department on a very different system and has sought to make its head a central officer to whom he could look to bring together the various heads of crime and police work throughout the Province, and present the results in a complete shape or the consideration and orders of Government. Colonel Pughe, the present Inspector General of Police, had worked long under the former system; he had zealously and well endeavoured to give effect to the Lieutenant-Governor's wishes, and the Government has received from him lately much valuable assistance. But it is no disparagement to him to say that it requires an officer of police and magisterial experience to do full justice to such a post. Colonel Pughe's health is now indifferent and he will leave India next year. His going will enable the Lieutenant-Governor to secure the services of a really experienced officer as Inspector-General, probably a Civil servant with experience in both police and magisterial work.

When this is done it would, His Honour believes, be possible to remedy the evils that at present arise from the entire isolation of the Calcutta Police. It has been matter of constant remark and complaint that the bad characters who, living quietly in Calcutta, never render themselves obnoxious to the metropolitan police, find in the surrounding country a field for predatory operations, where they can practise with much impunity, while many criminals from the outside and not known to the Calcutta Police find their way to Calcutta. There is no such intimate connection between the two bodies of police as to admit of their working readily together for the suppression of crime, irrespective of locality, and very serious offences have been committed in the immediate neighbourhood of Calcutta without their being detected, chiefly owing, it is alleged, to the state of things above described. In the absence of Mr. Wauchope's special position and qualifications there is an extraordinary want of any officer competent to trace in their ramifications in the interior, crimes, political offences and other matters having their centre in Calcutta.

It would be quite possible to leave in full force all the local peculiarities of the Calcutta system which it may be found desirable to maintain, and yet to incorporate the Calcutta Police in the general body of the Bengal Police. It will thus be the common object of all policemen to put down crime everywhere without any regard to the actual place of its occurrence. The police of the metropolis would work with the police of the 24 Parganas and Howrah, as those of Hooghly work with those of Burdwan. The arrangement that the Lieutenant-Governor would suggest would be this, that the Deputy Commissioner of Police in Calcutta should stand to the Chairman of the Justices precisely in the same relation that a District Superintendent holds to the Magistrate of his district. He would be the Chairman's subordinate for police purposes, while relieving him of all details of police management. The Inspector-General of Police would receive from Calcutta, as from any other district, the returns and information which enable him to keep together the clues of organised crime and to lay before Government the report of police working in relation to crime for the whole of Bengal. In this way the Chairmanship of the Justices and the immediate control of the police would be united so as to

ensure smooth working between the police force and the employees of the Justices, while for special police purposes the police working would be supervised and assisted by the officer at the head of the police of the country. The Deputy Commissioner would always be an officer specially chosen and retained in Calcutta to enable him to gain the necessary local experience, but both he and the Chairman would have the benefit of the advice of the Inspector-General of Police for Bengal, who would see that crime ramifying beyond Calcutta was properly dealt with and that the town and country police co-operated with one another cordially and effectually.

It may be desirable to add that there is no reason to suppose that the change in the position of the Inspector-General of Police would entail on that officer more work than he can well do. He has two Deputy Inspectors-General, who have confined their attention exclusively to matters of discipline and routine. It would be part of the Lieutenant-Governor's plan to utilize these officers for proper police purposes, appointing to these posts the best police officers available. They would trace and follow crime from district to district in their tour of inspection: they would examine the local peculiarities of crime, and assist the Commissioners and Magistrates with their experience and special knowledge, while aiding the Inspector-General to gather together and focus, as it were, the various ramifications of organized crime, where these exist. The system would in fact substitute for divided responsibility and imperfect knowledge a well-connected and homogeneous agency.

The Government of India approved generally of the plan proposed, and the sanction of the Secretary of State was communicated to the Government of Bengal in September 1874. At this time Sir Richard Temple was Lieutenant-Governor, Sir Stuart Hogg was Commissioner of Police and Chairman of the Justices. The latter strongly opposed the new system and denied the allegation that neighbouring districts suffered from the depredations of Calcutta criminals and that there was want of co-operation between the two police forces. Sir Stuart Hogg pointed out that there was no point connected with successful police administration in Calcutta more strongly insisted upon by Mr. Wauchope than that the metropolitan police should be under one head and that that head should never be left single-handed. He considered that a system which set aside the Commissioner for an officer devoid of local experience, who passes many months of each year in the interior of the province—a system which makes no provision for filling on emergency the place of the working head of the Calcutta Police—would probably lead to grave error and confusion. He pointed out also that the Commissioner of Police had multifarious duties—he mentioned the administration of the Arms Act—and held it was essential that their local head should be an officer of standing and a resident in the metropolis.

Sir Richard Temple deferred the introduction of the scheme, Colonel Pughe was returning, Sir Stuart Hogg and his Deputy Commissioner of Police were opposed to the proposal; there was difficulty in finding funds and legislation was necessary.

The Secretary of State in a despatch dated 24th June 1875 acquiesced, but desired that the subject should not be overlooked when a more favourable opportunity for action arrived.

The matter was referred to on various occasions in correspondence between the Government of India and the Government of Bengal between 1875 and 1887, but the Government of Bengal saw no reason to make any change and nothing was done to interfere with the independence of the Commissioner of Police.

In 1887 Mr. A. H. Giles, who had officiated as a Deputy Commissioner in Calcutta, was deputed by the Government of India to report on the police of the Presidency towns. He said he found no friction worth speaking of between the forces and what little occurred was due to ignorance of each other's system, and he thought somewhat closer co-operation was perhaps desirable. He added that this could be attained without subordinating the Commissioner to the Inspector-General—an arrangement which he thought had hardly a redeeming feature, because the systems approved of by long usage for town and country respectively had little in common.

Sir Stuart Bayley in a speech (1885—90) said that on grounds of public responsibility of the necessity of the man who does the work being the responsible officer to the public and on the principle that there should not be any shadow or cloud between the Government, which is the representative of

the public, and the working officer at the head of the police, the separation was not, in his opinion, necessary or desirable, quite apart from any personal or other considerations whatsoever, and that in case of a crisis, when some action had to be taken within half an hour or an hour, it would be exceedingly inconvenient that the man who had the power to give an order was not the person whom by official routine the Government was bound to address.

In 1892 the Government of India again raised the question in a letter dated 29th March of that year. They drew the attention of the Lieutenant-Governor to the scheme proposed by Sir George Campbell and asked that the Lieutenant-Governor should take the subject into his consideration and favour the Government of India with his opinion on it. Sir Rivers Thompson found that the officers holding the posts of Inspector-General and Commissioner were both strongly opposed to the scheme. The Inspector-General (Mr. David Lyall, c.s.) pointed out that the working of the two forces was entirely different, chiefly on account of the differences between the Calcutta and mufassal courts, and that an amalgamation of the two would neither improve the working of the Bengal Police nor increase the efficiency of the Calcutta Police. He remarked that if the forces were amalgamated some improvement in the detection of crime might result, but this, he anticipated, would be only to a small degree; the mufassal police never experienced any want of co-operation on the part of the metropolitan force and no improvement in this direction was possible; there probably would be some improvement in the supervision of bad characters of other parts of Bengal who came to Calcutta, but beyond this no permanently good result would follow. He further stated he had no reason to believe that Calcutta was a centre from which crime spread in the mufassal or that gangs issued from it for marauding excursions; on the contrary, it was more generally mufassal bad characters who resorted to Calcutta. The Commissioner of Police (Sir Henry Harrison, c.s.) remarked that no change would be justified so long as the Municipality paid three-fourths of the cost of the Calcutta Police. He laid great stress on the necessity of centring in one official the whole executive power in Calcutta, police and municipal. He anticipated that owing to the inherent differences in the town and mufassal work, the proposed amalgamation would lead to great loss of efficiency in the town police without any corresponding gain to the district police: the procedure of the Calcutta courts was different from that of the mufassal courts, the system of checking police expenditure was different, the control of the force was different, and with these fundamental differences anything like an amalgamation would be of very problematical advantage.

Sir Rivers Thompson finally informed the Government of India (letter No. 182 of 11th January 1883) that in his opinion it would be injudicious to attempt to amalgamate the two forces; there was very little to be gained by the amalgamation, and the diversities of the systems under which the two forces were constituted could not well be reconciled. He added that at present the force worked harmoniously and he deprecated any change.

In the time of Sir John Woodburn, the whole question was again gone into thoroughly and it was reviewed in a Resolution. No. 3184, dated the 24th November 1901. It had been again alleged that the separation of the two bodies was antagonistic to the detection and prevention of crime, more particularly crime occurring in the neighbourhood of Calcutta. It had indeed been stated that the bulk of the more serious crime perpetrated within the areas of the suburban thanas was committed by gangs of professional criminals who resided in Calcutta, and that these men, working in communication with local criminals, sally forth from Calcutta, commit dacoities at night and return to Calcutta before dawn. The Resolution expresses the opinion that these charges are probably not devoid of foundation, as all great cities afford lurking places for criminals. Before accepting any plan of amalgamation which would necessitate radical changes and contentious legislation, the Lieutenant-Governor was anxious to try to obtain the desired result by means of measures of co-operation. He therefore directed that the police officers more directly concerned (Deputy Commissioner, Calcutta, and the Superintendents of Police, 24-Parganas and Howrah) should meet together

once a fortnight under the presidency of the Commissioner of Police and at his residence discuss and deal with matters requiring co-operation, and that copies of the minutes should be sent to the Inspector-General for his information. The necessity for constant interchange of information was also insisted upon. It was also laid down that the Inspector-General and Deputy Inspectors-General, when in Calcutta, should attend these meetings and the District Magistrates should also be invited to attend.

The Police Commission of 1902-03 enquired into the conditions of the Calcutta Police at great length, and suggestions were made to them for the amalgamation of the Calcutta and Bengal Police. The main arguments for amalgamation placed before the Commission were—

- (1) It is opposed to good policy and almost universal practice for an executive officer to be directly subordinate to the Local Government, without the intervention of any administrative authority.
- (2) The admitted importance of unity of action in all police work; it was urged that the best way of securing this was through unity of control.
- (3) The difficulty about the composition of the *personnel*. City police work is of great importance and requires picked men, but if the Inspector-General is to have no responsibility for the administration, it cannot be expected that he will be willing to part with his best officers and thus diminish the efficiency of the service for which he is responsible. If the whole force is placed under a single head, not only will the field of selection be very much larger, but it will also be possible to transfer from the city to a district.

The chief arguments advanced by the opponents of amalgamation were—

- (1) that police work in the town and district is essentially different;
- (2) that a more severe and certain exercise of discipline is necessary, and this would be impossible if the Commissioner's orders were subject to appeal to the Inspector-General;
- (3) that in the case of sudden emergencies the Commissioner must be left unfettered by the necessity of referring to anybody or the fear of interference; and
- (4) that he exercises some of the functions of a Magistrate, and in respect of these he cannot be made subordinate to the Inspector-General.

The Commission said that in reply to these arguments it might be urged—

- (1) that police work in the presidency towns does not in essentials differ from district work, especially in such large cities as Lucknow, Delhi and Karachi;
- (2) that it is open to question whether a more severe discipline is necessary;
- (3) that there is no reason for fear of any improper interference by the Inspector-General, while his support and approval would greatly strengthen the position of the Commissioner;
- (4) that the Inspector-General being usually an experienced District Magistrate, his general control and guidance in respect of the unimportant magisterial functions of the Commissioner would probably be for the public advantage, while, if interference in those matters is considered undesirable, it would be easy to exclude it.

The Commission after having fully considered the arguments on both sides came to the following conclusions:—

- (1) that in view of the absolute necessity for systematic co-operation between the different parts of the police force of a province, and especially in view of the interdependence of police work within a city and its environs, the absolute separation of the city police

from the police of the rest of the Province does not seem expedient;

- (2) that it is also inexpedient that the official adviser of the Government on police matters should be kept in ignorance of the police work of one of the most important charges in the Province.

In their letter No. 282, dated the 14th April 1904, the Government of India addressed the Government of Bengal on this part of the Commission's report and said that the Governor-General in Council agreed in thinking that the complete separation that then existed between the City and District Police militated against their combined action and the efficiency of both, and that the Commissioner of Police in the cities ought in future to be subordinate to the Provincial Inspector-General of Police, while retaining considerably larger powers of discipline and control than are entrusted to District Superintendents. They added that while admitting that the maintenance of the status of the Commissioner of Police was a matter of great importance, the Governor-General did not anticipate that the proposed changes would necessarily result in weakening the authority of the Commissioner or have the effect of preventing him from acting promptly in cases of emergency. The Government of India asked the Government of Bengal for a careful consideration of the question.

The Bengal Government replied in Chief Secretary's letter No. 3290 J., dated the 21st July 1904, in which it was stated that the Lieutenant-Governor was very strongly of opinion that it would be inexpedient to adopt any measures which would tend to diminish the authority of the Commissioner of Police over his subordinates or lower his position in the eyes of the public. He was at the same time equally impressed with the necessity of providing against the possibility of a return to the old state of things, when practically there was no co-operation between the Calcutta Police and the District Police. He recognised that there existed effective co-operation between these two forces, which was mainly due to the combined efforts of the officers who filled the posts of Commissioner of Police and Inspector-General. The Lieutenant-Governor believed that it was possible to guarantee the continuance of co-operation by a slight change in procedure, which could be made by executive orders which would in no way impair the Commissioner's authority or affect his prestige. It was proposed that the Government should delegate to the Inspector-General powers (a) to call on the Commissioner of Police for information on any police matters, not exclusively concerning the internal or departmental administration of the Calcutta Police, (b) to call on the Commissioner of Police for information or explanation in any case in which he considered the Calcutta Police had failed to co-operate with the District Police, and (c) if he was not satisfied with the action of the Commissioner of Police, to report the matter to Government with his recommendations as to the action taken.

It was added that the Lieutenant-Governor was convinced that the measure of control that was necessary to secure co-operation must be exercised by himself through the administrative officer in direct touch with the police work of the Province.

In a subsequent letter to the Government of India, No. 3180, dated the 7th October 1904, the Bengal Government accepted the views of the Commission as to the theoretical solution of the question and the ultimate object to be aimed at, but explained that the Lieutenant-Governor desired to avoid recourse to legislation, which would be necessary if the Commissioner's status were altered.

The Government of India dealt with the Commission's proposals and the Bengal Government's views in paragraph 65-66 of their Resolution No. 248-59, dated the 21st March 1905. They said that great cities like Bombay and Calcutta, each containing a crowded population living in conditions unlike those of any other parts of the Province, require, for efficient police administration, officers of long special experience of those conditions, who must be accustomed to responsibility, and ought not to be checked in the exercise of it by the consciousness of subordination to a departmental superior. On the other hand, it might be urged that if the Inspector-General was a selected District Magistrate, his experience would probably be confined to the very

different conditions prevailing in the mufassal; that he could hardly be in close touch with local feelings and habits in Calcutta, and that where his opinion on a question of city police differed from that of the Commissioner, it would hardly command the authority which special knowledge confers. They also said that in view of the frequent presence of the Local Government at the Presidency towns, it would always remain necessary that the Commissioner of Police should be in direct communication with headquarters and should not be bound to refer questions or receive instructions through the Inspector-General. They added that promptitude of action, full sense of responsibility and the prestige, imparted by the possession of power were, it might fairly be urged, essential for the administration of so difficult a task as the police control of great cities like Calcutta and Bombay, where European conditions prevailed to an extent found nowhere else in India, and that European precedents were in favour of the separate constitution of city police forces in such towns rather than of their amalgamation with the general police. For these reasons the Government of India had determined to defer the issue of final orders on this part of the Commission's proposals in order to ascertain, in consultation with the Local Governments concerned, whether the necessary unity of action with the District Police could not be attained without introducing a subordination of the Commissioner to the Inspector-General, which might on emergencies be fraught with danger, and in the daily working of police administration might interpose needless delay and weaken responsibility.

The Government of India accordingly addressed the Government of Bengal in their letter No. 284, dated the 30th March 1905, in which they stated that an arrangement similar to that suggested in the Bengal Government's letter No. 3290, dated the 21st July 1904, had been in force in Madras for some time and that they proposed to make enquiries regarding the degree of success which it had met with in that city, and requested that in the meantime the arguments against the subordination of the Commissioner to the Inspector-General which were set forth in the Resolution might be carefully examined. The Government of Bengal replied in letter No. 949 J.—D., dated the 6th May 1905, in paragraph 7 of which it was stated that it was not intended by the Police Commission that the Inspector-General of Police should interfere with questions of city police administration, so far as the city alone was concerned, but that where questions arose of co-operation between the provincial and city police, he should be the officer to decide what assistance should be given by the Calcutta Police to the provincial police and *vice versa*. It was felt that the necessity for systematic co-operation between the city and provincial police demanded the subordination of the Commissioner to the Inspector-General. The latter must be kept informed regarding police work in the city and must be able to insist on co-operation. The Inspector-General was the only officer who could secure the co-operation of the city and provincial police which that interdependence of police work demands; he must therefore interfere where necessary. It was added that the Lieutenant-Governor believed that he could secure this object in respect of the existing officers by executive order, and he was willing to make that experiment so as to obviate the necessity for immediate legislation, but he had not altered his opinion as to the real necessities of the case.

The Government of India forwarded this letter from the Government of Bengal to the Secretary of State, with their despatch No. 203 (Financial), dated the 14th June 1906, and recommended for acceptance the views of the Lieutenant-Governor. The Secretary of State replied in his despatch No. 58 (Judicial), dated the 31st August 1906, and stated that he was unable to agree to the Lieutenant-Governor's proposal that the Commissioner of Police should be placed in subordination to the Inspector-General; that the reasons for maintaining the Commissioner's independence were fully stated in his predecessor's despatch No. 9 (Judicial) of 17th February 1905, and that he concurred in the view there expressed. He observed that in the analogous case of the city of Bombay it was proposed that the Commissioner of Police should continue to be independent of the Inspector-General, but subject to the obligation to carry out the latter's orders, and to assist officers deputed by him in respect of the detection of crime committed in the mufassal, and of cases, or

matters under investigation in the Criminal Investigation Department. He added that he had expressed his approval of that proposal and that the conclusion arrived at in the case of Bombay applied equally to Calcutta, and that those principles would sufficiently satisfy the necessities urged by the Government of Bengal. He further said that if any further measures should be required to secure the co-operation of the two officers, they could be supplied in the shape of executive instructions by the Lieutenant-Governor, to whom both were equally subordinate and whose orders they were bound to obey.

No action appears to have been taken by the Government of Bengal for the issue of any executive orders.

Sir Edward Baker, in a note dated the 24th December 1908, said that he was always inclined to the view that the Commissioner of Police should be made officially subordinate to the Inspector-General of Police, though possessing a large measure of independence, but that this question had been decided the other way and it must be regarded as closed, at least for a considerable time.

CHAPTER XV.

What remains to be done.

The Government of India (*vide* Resolution No. 248-259, dated the 21st March 1905) accepted, with a few exceptions and some alterations in detail, the recommendations of the Police Commission. The recommendations are classified in the report under the following heads:—"Organisation," "Recruitment and Training," "Pay," "Strength," "Discipline," "Village Police," "Relations between the Magistrates and the Police," "Prevention," "Investigation of Offences," "Prosecution" and "Miscellaneous." For the purpose of the present chapter the recommendations may be further classified according as the Government of India is primarily concerned (*e.g.*, recommendations regarding the Imperial Police Service, or regarding a Police Act for all India)—and recommendations, the responsibility for the carrying out of which rests with the Local Government. It is with the latter that we are primarily concerned. In all cases where the recommendation depends for its carrying out upon the framing of rules or the issue of executive orders, such rules have been framed or orders passed. For example, under the head "Organisation" orders have been passed that no officer of a lower grade than that of a Superintendent should be placed in charge of the police of a district; that there should be one Assistant or Deputy Superintendent in every district, the larger districts having additional officers of this class to hold charge of subdivisions; that Inspectors' circles should as a rule consist of five to eight police-stations; that the officer in charge of the police-station should be of the rank of Sub-Inspector, and that where the work of investigation is heavy one or more additional officers of this rank should be appointed; that one Head Constable should be attached to every police-station to perform the duties of Station Writer; that the establishment of a police-station should also contain a second Head Constable to render general assistance to the Sub-Inspector; that the duties of constables should be of a mechanical character, and that they should be employed on the more responsible duties of the police only under the direct orders of some superior officer; that there should be for each district a force of armed police under a European Inspector sufficient to deal with tumults and local disturbances.

Under the head "Investigation of Offences," again, orders have been issued that the power to arrest without warrant persons who within the view of the police officer commit what may be generically termed "nuisance" cases, should be withdrawn and the police left to deal with such offenders under the provisions of section 57 of the Code of Criminal Procedure (it may be added, however, that in a recent case in a town in the district of Hooghly the legality of the exercise of the power to grant bail to an accused by a Head Constable of the Watch and Ward staff was doubted by the court, and the case is now under consideration); that the use of handcuffs and other forms of restraint and the restriction of food and the admission of relatives and legal advisers in the case of a person under arrest but not proved guilty should be limited to what is reasonably necessary to prevent escape or the evasion of justice; that the detention of suspects without formal arrest is illegal and must be rigorously suppressed; that the practice of asking for or relying on confessions should be discouraged in every possible way, and that confessions should be recorded only by a Magistrate having jurisdiction to inquire into or try the case.

Since the recommendations regarding the strength of the force were made the administrative boundaries of Bengal have been twice altered, once in 1905 and again in 1912. To calculate how far the proposals of the Commission have been carried out I have taken (1) the strength on 31st December 1914 (as recorded in the Administration Report of that year) of the districts now within the boundaries of Bengal, (2) the strength of these districts as recorded in the Bengal Budget for 1915-16 and (3) the ultimate strength of the force sanctioned for Bengal in 1912.

The difference between (1) and (2) will show the extent to which the force has been increased up to date and the difference between (2) and (3) will show the increase that remains to be given effect to :—

Rank.			Sanctioned strength on 31st December 1904.	Present sanctioned strength.	Sanctioned ultimate strength.
Inspector-General of Police	...	...	1	1	1
Deputy Inspector-General of Police	...	...	2	4 (<i>plus</i> 1 temporary).	5
Superintendents	...	...	31 (<i>plus</i> 2).	48 (<i>plus</i> 1 temporary).	48
Assistant Superintendents	...	...		47	49
Deputy Superintendents	...	...	...	23 (<i>plus</i> 2 temporary).	23
Inspectors	...	...	138	239	239
Sub-Inspectors	...	...	1,104	1,603	1,612
Sergeants	...	...	22	44	50
Head Constables	...	...	1,121	2,298	2,356
Constables	...	...	12,848	17,024	17,276

The present sanctioned strength shows an increase of 87 officers in the superior staff, while there remain to be appointed three more officers [1 Deputy Inspector-General, Burdwan Range (since appointed), and 2 Assistant Superintendents of Police] to attain the ultimate strength. The present strength of the subordinate staff shows an increase over the strength on 31st December 1904 of 101 Inspectors, 499 Sub-Inspectors, 22 Sergeants, 1,177 Head Constables and 4,328 constables. This represents changes made in connection with the proposals of the Police Commission and other changes sanctioned by the Local Government from time to time. Comparison of the present strength with the ultimate strength will show that 9 Sub-Inspectors, 6 Sergeants, 58 Head Constables and 250 constables remain yet to be appointed to attain the ultimate strength.

The recommendations regarding pay have been carried out and the minimum pay for constables has been raised to Rs. 10 for the unarmed branch and Rs. 11 for the armed branch. The old rates and present rates are compared in the following statement :—

Rank.		Old rate.		Present rate.	
		Rs.		Rs.	
Inspector-General	2,500	2,500—100—3,000	
Deputy Inspectors-General	1,500	{ 1,800 0 1,500 0	
Superintendents of Police	...	{	1,000	1,200 0	
			900	1,000 0	
			800	900 0	
			700	800 0	
			600	700 0	
			500	...	
Assistant Superintendents of Police	...	{	400	500 0	
			300	400 0	
			...	300 0	

Rank.			Old rate.	Present rate.	
				Rs.	A.
Deputy Superintendents of Police	...	{	...	500	0
			...	400	0
			...	300	0
			...	250	0
Inspectors	...	{	250	250	0
			200	200	0
			150	175	0
			100	150	0
Sub-Inspectors	...	{	80	100	0
			70	80	0
			60	70	0
			50	60	0
			30	50	0
Head Constables	...	{	25	22	8
			20	20	0
			15	17	8
			12	...	
			10	...	
Constable	...	{	9	A minimum of Rs. 10 for the unarmed branch and Rs. 11 for the armed branch, with good-service increment at Rs. 1 after three, ten and seventeen years.	
			8		
			7		
			6		

(In the case of Head Constables and constables, the present rates were sanctioned for Bengal last year by the Government of India with reference to a representation made by this Government in October 1913.)

Allowances.—Local allowances are given to officers and men in the Criminal Investigation Department at the following rates:—

			Rs.
Inspectors	...	...	50
Sub-Inspectors	...	...	30
Head Constables	...	...	7
Constables	...	...	3

* There were no Deputy Superintendents before.

Conveyance allowance at Rs. 25 a month is given to Inspectors, Sub-Inspectors and Sergeants at 24-Parganas and the towns of Howrah, Dacca and Narayanganj, and at Rs. 20 for other places, on the production of a certificate that a horse is actually maintained. (Circle Inspectors of districts and Railway Inspectors and Sergeants are not entitled to this allowance.) Bengal Police officers stationed in Calcutta, Alipore and Howrah may draw the allowance at the minimum rate of Rs. 20 without the production of any certificate, while those serving in the mufassal who keep bicycles draw Rs. 7-8 a month.

Increased boat allowances have been sanctioned for the investigating police in Eastern Bengal.

The recommendations regarding recruitment and training, so far as they concern the Local Government, have been carried out. Sub-Inspectors are now recruited direct, only a small proportion being promoted from the rank of Head Constable, and Inspectors are recruited from the rank of Sub-Inspector, a small proportion being recruited direct. A Provincial Service has been organised, consisting of 23 appointments of Deputy Superintendent divided into four grades.

Provision has been made for the training of all police officers at the Police College at Sardah. There are special classes for the Assistant Superintendents of the Imperial Service and all new recruits now pass through

the college, under the direction of a specially selected Superintendent. Similarly, four schools for constables have been established at Sardah, Rampur-Boalia, Berhampur and Dacca.

A Criminal Investigation Department has been organised under an officer of the rank of Deputy Inspector-General with a Personal Assistant of the rank of District Superintendent. The River Police has been organised, but much remains to be done before the force attains full strength.

In one case the recommendation of the Commission has been tried and abandoned. Under the head "Organisation" the Commission recommended that the division of the police into armed and unarmed branches was undesirable. The Government of India approved of the system of reserves proposed by the Commission for Bengal as then constituted. At that time, however, Bihar formed part of the province and the armed reserve consisted largely of men recruited from Bihar or further west. After 1912 it was found impossible to carry out the recommendation of the Commission, and the division of the force into armed and unarmed branches has since been sanctioned.

The recommendations of the Commission accepted by the Government of India which have not been given effect to in Bengal are the following. The Commission recommended under the head "Organisation" that the ordinary area of a police-station should be about 150 square miles. Subsequently a standard of 100 square miles was approved for some portions of Eastern Bengal. The carrying out of this recommendation will entail a very large expenditure. The Inspector-General of Police has submitted proposals for increasing the number of thanas, but the proposals are in excess of the money available to carry them out and it seems useless submitting further schemes to Government. The scheme for the River Police has not yet been completed: more boats and launches are required.

The Commission recommended that constables should be recruited locally, as far as possible, and that recruitment should be confined to the classes which are usually regarded as respectable. The recruitment in Bengal of constables of any class has proved increasingly difficult of late years, and a very large percentage of the force belongs to districts outside the boundaries of this province. There does not appear to have been any great increase in local recruits since 1905. I doubt whether it is possible to get local recruits of a respectable class under present conditions. If decent married quarters were provided for a certain number of constables it would go some way to encourage local recruitment, but without an increase in the minimum pay it is improbable that a respectable Bengali recruit can be secured.

The Commission recommended that free quarters should be provided for every police officer of or below the rank of Sub-Inspector, and they pointed out that the quarters now provided are in many cases unsuitable and in some instances unfit for human habitation. The Inspector-General has dealt with this question in a letter dated the 4th May 1915. He estimates the cost of buildings requiring reconstruction at Rs. 73 lakhs and he estimates the requirements for entirely new buildings at Rs. 57½ lakhs. The housing of the police force in the province is perhaps the most pressing question connected with the force. Proper house accommodation would increase the efficiency and popularity of the force and thereby improve recruitment.

Since the Commission made its recommendations the following additional improvements have been carried out by the Local Government:—

- (1) Enlargement of the Dacca Town Police.
- (2) Revision of police arrangements in Asansol.
- (3) Increase of the armed police both in Western and Eastern Bengal districts.
- (4) Separation of the armed and unarmed branches.
- (5) Raising of conveyance allowance of Inspectors and Sub-Inspectors.
- (6) Increase in the Intelligence Branch staff.
- (7) Constitution of a District Intelligence staff.
- (8) Revision of scale of equipment and clothing of Sergeants, Head Constables and constables.
- (9) Increase of pay of Sergeants.
- (10) Increase of pay of Head Constables and constables.

I append to this chapter two statements—one showing the schemes for the improvement of the police which have been forwarded by the Inspector-General to the Local Government, upon which orders had not been passed up to the end of 1915, and the other showing the schemes which are under preparation in the Inspector-General's office for submission to the Government.

These two statements will give some idea of the care and thought which has been given by the Inspector-General to the question of the improvement of the force and how far his efforts are handicapped for want of money. The cost of the schemes in Statement A amounts to Rs. 18 lakhs, about half of which is recurring expenditure, and the schemes which are in preparation in the Inspector-General's office will cost quite as much.

In spite of the large sums recently spent upon the police there is a great deal of leeway still to be made up. These statements do not include the grants required for buildings, which in themselves amount to a crore and a half.

In the case of the Calcutta Police, definite figures regarding strength can be given. The following statement compares the strength in 1906 (the year in which the proposals for Calcutta were sanctioned) with the strength proposed in connection with the Commission's report :—

Calcutta Police.

Rank.	Strength in 1906.	Strength proposed by Commission	Increase.	Decrease.
Commissioner of Police	1	1	.....	.....
Deputy Commissioner	1	6	5	.....
Assistant Commissioner	.....	1	1	.....
Superintendents	8	2	.....	6
Inspectors	57	19	.....	38
Sub-Inspectors	21	84	63	.....
European Sergeants	65	98	33	.....
Salt Sub-Inspectors, or Darogahs	3	3	.....	.....
Indian Sergeants	81	.....	.....	.....
Corporals	183	.....	.....	.....
Head Constables	7	338	331	.....
Sowars	35	20	.....	15
Constables	2,714	2,778	64	.....
Steam launch staff	5	5	.....	.....
Boatmen	133	133	.....	.....
<i>Government House Winter Guard.</i>				
Corporals	4	4	.....	.....
Sergeants				
Constables	31	21	.....	10

The Police Commission therefore recommended an increase of 5 Deputy Commissioners, 1 Assistant Commissioner, 63 Sub-Inspectors, 33 European

Sergeants, 331 Head Constables, 64 constables, and a decrease of 6 Superintendents, 38 Inspectors, 15 sowars and 10 constables.

The following statement compares the strength sanctioned in connection with the Commission's report with the strength in 1915 :—

Rank.	Strength sanctioned by Commission.	Strength in 1915.	Increase.	Decrease.
Commissioner of Police ...	1	1	.....	.....
Deputy Commissioner ...	3	6	.....	.....
Assistant Commissioner ...	1	1	.....	.....
Superintendents ...	2	2	.....	.....
Inspectors ...	29	32	3	.....
Sub-Inspectors ...	84	109	25	.....
European Sergeants ...	98	110	32	.....
Salt Sub-Inspector ...	3	.....	.....	3
Native Sergeants ...	.....	.....	.....	.....
Corporals ...	.....	.....	.....	.....
Head Constables ...	338	462	124	.....
Sowars—				
Head Constables ...	20	2	2	.....
Constables ...		18	.....	2
Constables ...	2,778	3,805	1,027	.....
Steam launch staff ...	5	10	5	.....
Boatmen ...	133	153	20	.....
Government House—				
Corporals ...	.....	.....	.....	.....
Constables ...	.....	.....	.....	.....

* The strength of the Calcutta Police has therefore been raised beyond the Commission's recommendations by 3 Inspectors, 25 Sub-Inspectors, 32 Sergeants, 126 Head Constables, 1,025 constables, 5 steam launch staff, 20 boatmen and a decrease of 3 Salt Sub-Inspectors.

The following are the most important changes which necessitated this further increase :—

- (1) The organisation of the traffic police.
- (2) Formation of ordinary reserve and the constitution of the headquarters force to supply guards and escorts.
- (3) The establishment of a separate police training school for the training of the subordinate police officers and men of the Calcutta Police.
- (4) Reconstitution of the Criminal Investigation Department and Intelligence Branch.

In addition to the strength given in the above statement, the constitution of a civil armed police under the local Police Act has been sanctioned. The strength of the force is as follows :—1 Subadar Major, 2 subadars, 4 jamadars,

8 havildars, 16 naiks, 160 sepoy, 32 recruits. A force of 13 additional Sergeants temporarily sanctioned for the Barabazar thana is also not included in the statement.

The Divisional charges in Calcutta (with one exception) are held by Imperial Service police officers (of the rank of Superintendents of Police of districts) called Deputy Commissioners. There is also an Assistant Commissioner of the grade of Assistant Superintendent of Police under training. Six new posts resembling those of Chief Inspectors have been created on a pay of Rs. 400 to Rs. 500, and a Superintendent, Motor-car Department, has also been sanctioned. These appointments have not yet been filled.

The following table shows the increase in the rates of pay of the subordinate ranks sanctioned in connection with the Police Commission's proposals:—

Rank	Old rates of pay.	Proposed rates of pay.
	Rs.	Rs. A.
Inspectors	{ 250	{ 300 0
	{ 200	{ 250 0
	{ 195	{ 200 0
	{ 150—10—200	{
	{ 150	{
	{ 140	{
	{ 125	{
Sub-Inspectors	{ 100	{
	{ 90	{ 175 0
	{ 80	{ 150 0
	{ 50	{ 140 0
Sergeants ...	{ 130	{ 125 0
	{ 115	{ 110 0
	{ 105	{ 105 0
	{ 95	{ 100 0
	{ 85	{ 95 0
	{	{ 90 0
	{	{ 85 0
	{	{ 80 0
	{	{ 75 0
	{	{ 70 0
Head Constables	{ 20	{ 26 0
	{ 16	{ 21 0
	{ 14	{ 18 8
	{ 10	{ 15 0
Constables	{ 8	{ 10 0
	{ 6	{ 8 0
	{ 4	{ 6 0

All are given free quarters; besides, Inspectors of the Criminal Investigation Department get a local allowance of Rs. 50 a month; other Inspectors get Rs. 25 conveyance allowance. Sub-Inspectors in the Criminal Investigation Department get Rs. 30 as local allowance, while other Sub-Inspectors get Rs. 20 horse allowance. Head Constables and constables in the Criminal Investigation Department get local allowance at Rs. 7 and Rs. 3, respectively, a month. The two Sergeants of the Dock Police get mess allowance—one at Rs. 15, the other at Rs. 12 a month.

The Commission recommended that the complete separation which now exists between the city and the district police does not conduce to a systematic co-operation between the two forces and that it leaves the Inspector-General in ignorance of the police work in the most important charge in the province. The Government of India deferred the issue of final orders on this part of the Commission's proposals, in order to ascertain whether the necessary unity of action with the district police could not be attained without introducing a subordination of the Commissioner to the Inspector-General, which might on emergencies be fraught with danger and in the daily working of police administration might interpose needless delay and weaken responsibility. The matter was further considered, and in accordance with the orders of the Secretary of State it was decided that the Commissioner of Police should not be subordinate to the Inspector-General.

List of Schemes pending with Government.

No.	Particulars.	COST.			REMARKS
		Recurring.	Non-recurring.	Total.	
		Rs.	Rs.	Rs.	
1	Entertainment of paid probationers in district police offices.	3,660	.....	3,660	
2	Reorganization of the Eastern Bengal Railway Police, Sealdah.	16,511	1,436	17,947	
3	Revision of the office establishment of the Inspector-General and the Deputy Inspector-General.	21,392	.....	21,392	
4	Training of Sub-Inspectors in shorthand and typewriting in Government Commercial Institute, Calcutta.	3,300	.....	3,300	
5	Extra cost in connection with the division of the East Indian Railway police between Bengal and Bihar.	6,618	.....	6,618	
6	Increase of the cadre of Deputy Superintendents by eight new appointments.	34,200	.....	34,200	
7	Grant of an allowance to one Instructor in each district at the rate of Rs. 2 per mensem for training men in physical drill.	624	.....	624	
8	Assimilation of the rates of pay of ministerial establishment of Eastern Bengal and Western Bengal districts.	5,400	.....	5,400	
9	Regrading of Sub-Inspectors and Head Constables (a).	68,070	.....	68,070	
10	Strengthening of the const staff of the Manikganj subdivision of the Dacca district.	840	.....	840	
11	Grant of a literate allowance to constables.	8,500	.....	8,500	
12	Establishment of a new police-station within the jurisdiction of Kalia police-station in Jessore.	1,410	520	1,930	Since sanctioned.
13	Kalimpong town police scheme ...	2,036	493	2,529	
14	Appointment of 4th Range Deputy Inspector-General. (Proposals have been sanctioned by the Secretary of State, but funds have not been provided.)	33,725	720	34,445	Since sanctioned and funds provided.

(a) This amount is debitable as below:—

	Sub-Inspectors.	Head Constables.
	Rs.	Rs.
(1) To give effect to the reorganisation of the subordinate police in Eastern Bengal	83,480	.....
(2) To complete the police reforms in Western Bengal districts	10,000	1,760
(3) To complete the police reforms in Eastern Bengal districts according to the Police Commission recommendation	18,800	4,040

No.	Particulars.	Cost.			REMARKS.
		Recurring.	Non-recurring.	Total.	
		Rs.	Rs.	Rs.	
15	Entertainment of one Head Constable and ten constables for Takdah Cantonment.	1,545	475	2,020	Since sanctioned.
16	Entertainment of writer Head Constables for subdivisional police officers.	1,806	374	2,180	
17	Revision of the police staff employed on the Saidpur section of the Eastern Bengal Railway.	4,268	465	4,733	
18	Establishment of a training school of advanced preventive and detective methods.	52,575	3,041	55,616	
19	Entertainment of an extra Sub-Inspector for the Finger Print Bureau.	1,440	.....	1,440	Since sanctioned.
20	Increase of court staff at Mymensingh	1,870	32	1,902	
21	Policing of railway and steamer stations in Western Bengal.	16,110	4,036	20,146	Since sanctioned but funds not provided.
22	Grant of a local allowance to the temporary Drill Instructor attached to the Police Training College, Surdah.	24	.....	24	Since sanctioned.
23	Entertainment of three additional orderlies for Mr. C. W. C. Plowden.	396	60	456	
24*	Provision of funds to meet house rent for 193 Sub-Inspectors and 1,113 officers of lower ranks who are entitled to free quarters but have not yet been provided with them.	1,37,000	.....	1,37,000	
25	Provision of sweepers for the armed reserve companies at the headquarters of each district of the province and at certain subdivisions and increase of pay of sweepers at present employed in the reserve lines.	3,900	.....	3,900	
26	Cost of cleaning and sweeping of thana buildings and compounds and removal of night-soil.	25,920	.....	25,920	
27	Cost of furniture required for police offices and thanas.	.....	42,108	42,108	
28	Entertainment of a compounder for the Dinajpur Police Hospital on Rs. 15—1—20.	180	.....	180	
29	Grant of an allowance of Rs. 25 a month to the Sub-Assistant Surgeon in charge of the Barrackpore Military Hospital for treating the men of the armed reserve.	300	.....	300	Partly sanctioned.
30	Cost of supply of apparatus, stretcher, books, etc., in connection with the training of the police in First Aid to the injured and ambulance work.	1,800	3,000	4,800	

* Referred to in the letter about buildings.

No.	Particulars.	Cost.			REMARKS.
		Recurring.	Non-recurring.	Total.	
		Rs.	Rs.	Rs.	
31	Allowance for Hospital Assistants for training police in First Aid.	1,250	.....	1,250	
32	Revision of the uniform and equipment of the subordinate police and of the rates of allowance for the supply and maintenance of the kits of Sergeants, Head-Constables and constables.	2,82,768	3,58,277	6,41,045	The Govern- ment of Indi have called for further particulars.
33*	Purchase of two houses at Dacca for the Kotwali police-station and housing certain police officers.	.....	1,21,000	1,21,000	
34	Cost of covers for constables' note-books	.....	2,500	2,500	
35	Cost of a launch of the improved <i>Prude</i> type for the Superintendent of Police, Dacca, to replace <i>Warden</i> .	5,205	48,287	53,492	
36	Cost of a launch of the improved <i>Prude</i> type for the joint use of the Superintendent of Police, Tippera, and Assistant Superintendent of Police, Chandpur.	5,205	48,287	53,492	
37	Cost of a launch of the <i>Miranda</i> type for the use of the Assistant Superintendent of Police, Narayanganj.	4,101	34,837	38,938	
38	Cost of a launch of the <i>Miranda</i> type for the Assistant Superintendent of Police, Madaripur.	4,101	28,621	32,722	
39	Obstacle courses ... ..	.....	19,000	19,000	
40	Conveyance allowances for Superintendents of Police, Dacca and Howrah, and the grant of local allowance to Assistant and Deputy Superintendents who may be deputed to Calcutta for training in the Criminal Investigation Department, Intelligence Branch, and in the Inspector-General's office, and the payment of actual expenses for the hire of motor-cars to police officers.	10,180	.....	10,180	Partly tioned by funds not provided.
41	Supply of tents, etc., to subdivisional and other police officers.	.....	14,625	14,625	
42	Purchase of an elephant for Malda ...	636	4,425	5,061	Since san- tioned.
43	Proposals for the retention of the temporary station boats in the districts of the Dacca Range.	53,988	930	54,918	Ditto.
44	Revision of temporary boat establishments in Western Bengal districts.	5,193	.....	5,193	
45	Proposals for the appointment of an additional Circle Inspector for the Balurghat subdivision in the district of Dinajpur.	2,430	40	2,470	

* Included in the building scheme.

No.	Particulars.	COST.			REMARKS.
		Recurring.	Non-recurring.	Total.	
		Rs.	Rs.	Rs.	
46	Revision of boat establishment in Eastern Bengal.	48,121	.....	48,121	Sanctioned and funds provided.
	Rs.				
	Total amount required ...	97,121			
	Sanctioned this year ...	49,000			
	Balance ...	48,121			
47*	Guarantee required for opening certain telegraph offices in the Presidency.	.....	.....	.....
48†	Establishment of telephone exchanges in the several districts of the Bengal Presidency.	.....	.....	.....
49‡	Cost of a launch for the Superintendent of Police, Bogra.	1,440	18,200	19,640	
50	Increased grant for country stationery	15,000	.....	15,000	Sanctioned, but funds not provided.
51§	Purchase of surveying instruments ...	.....	5,375	5,375	
52§	Purchase of mosquito-nets ...	.....	35,278	35,278	
53§	Purchase of cots ...	.....	1,23,176	1,23,176	

* Scheme pending with Government. Details of guarantees have not been furnished by the Telegraph Department.

† Details regarding cost not yet settled. Scheme has been sanctioned in part only. Funds not yet provided.

‡ The construction of the launch has been sanctioned but funds have not yet been provided.

§ Scheme sanctioned but funds as stated above remain still to be provided.

B

List of schemes under preparation for future submission to Government.

No.	Particulars.	APPROXIMATE COST.			REMARKS.
		Recurring.	Non-recurring.	Total.	
		Rs.	Rs.	Rs.	
1	Force required for deputation to steamer and railway stations in Western Bengal (25 Head Constables and 586 constables).	1,06,585	25,166	1,31,751	
2	Appointment of extra Deputy Superintendents for subdivisional charges.	34,200	.....	34,200	
3	Appointment of Reader Sub-Inspectors for Superintendents of Police in Eastern Bengal districts.	15,120	.....	15,120	
4	Entertainment of armourer constables and grant of an allowance to them.	4,385	500	4,885	Since submitted to Government.
5	Grant of local allowance of Re. 1 to constables serving in Alipur, Calcutta and its neighbourhood.	8,424	.....	8,424	Since sanctioned.
6	Grant of local allowance to constables in the districts of Jessore, Nadia and Hooghly for unhealthiness.	82,000	.....	82,000	
7	Provision of supernumerary Sub-Inspectors for the Western Bengal districts.	15,200	.....	15,200	
8	Reserve launch for the Police Department.	.....	50,000	50,000	Sanctioned, but funds not provided.
9	Provision of a launch for Kishorganj subdivision, Mymensingh.	.....	44,000	44,000	Since submitted to Government.
10	Launches for Circle Inspectors at Pirozpur and Madaripur.	.....	27,200	27,200	This has been dropped.
11	Entertainment of compounders at certain police hospitals.	1,920	.....	1,920	Since submitted to Government.
12	Regrading of launch establishment of the River Police.	3,200	.....	3,200	'Ditto.'
13	Supplying covers for police officers' diaries.	.....	5,532	5,532	
14	Revolver practice in districts ...	600	5,400	6,000	Since submitted to Government.
15	Entertainment of extra force for policing railway and steamer stations in Eastern Bengal districts.	8,000	2,000	10,000	
16	Proposal for the extension of the station boat system.	50,000	3,000	53,000	

No.	Particulars.	APPROXIMATE COST.			REMARKS.
		Recurring.	Non-recurring.	Total.	
		Rs.	Rs.	Rs.	
17	Extension of the River Police system in Western Bengal.	2,06,068	5,15,121	7,21,189	
18	Appointment of Sub-Inspectors or Head Constables to assist Public Prosecutors.	27,000	.....	27,000	
19	Appointment of a Court Inspector for Madaripur subdivision, Faridpur district.	1,800	.....	1,800	
20	Extra cost on account of oil and lantern for police-station, reserve police lines, etc.	46,055	19,197	65,252	Since submitted to Government.
21	Entertainment of a staff of nursing corps for police hospitals.	12,000	.....	12,000	
22	Provision for hospital charges ...	17,060	.....	17,060	
23	Purchase of furniture for police hospitals	.....	40,000	40,000	
24	Cost of increasing the number and pay of menials in police hospitals.	3,882	.....	3,882	
25	Proposal for raising the proportion of the ordinary reserve of constables.	3,47,840	71,402	4,19,242	Since submitted to Government.
26	Arming of police-stations ...	... ..	2,644	2,644	Since sanctioned.
27	Proposals for the appointment of an Additional Superintendent for Faridpur.	14,880	80	14,960	
28	Appointment of 40 Sub-Inspectors to replace those employed as stenographers and in crime work in the Deputy Inspector-Generals' offices and under training in the Finger Print (Stenographers, 28; Crime work, 4; and Finger Print, 8—40).	42,300	.....	42,300	
29	Town police system in Saidpur in Rangpur.	5,490	680	6,170	
30	Appointment of a 5th Range Deputy Inspector-General. (The District Administration Committee have recommended the splitting up of the present Dacca Division.)	34,000	700	34,700	
31*	Appointment of recruit boys in the headquarters force of districts.	.....	.....	.....
32*	Increasing the strength of sub-treasury guards and provision for relief.	.....	.....	.....
33*	Establishment of a training school for Head Constables.	.....	.....	.....
34*	Purchase of pamphlet entitled "Village Sanitation".	.....	.....	.....
35*	Sam Browne belt for armed branch and mobilized force.	.....	.....	.....

No.	Particulars.	Cost.			REMARKS.
		Recurring.	Non-recurring	Total.	
		Rs.	Rs.	Rs.	
36*	Supply of water bottles ... ..	.....	.....	.....
37*	Introduction of adjustable handcuffs with chains.	.....	.....	.....
38*	Revision of the subordinate police establishment of the Western Bengal districts.	.....	.....	.....
39*	Staff required for clerical work in the court police offices.	.....	.....	.....
40*	Increase of investigating staff in the Madaripur subdivision of the Faridpur district.	.....	.....	.....
41*	Splitting up of police-stations with a staff of more than three Sub-Inspectors.	.....	.....	.....	Partly submitted.
42*	Extra arms for armed police and mobilized contingents and police training schools.	.....	.....	.....	Since sanctioned.
43*	Policing of Darjeeling-Himalayan Railway and its extension.	.....	.....	.....
44*	Extra establishment required for new districts and subdivisions recommended by the District Administration Committee.	.....	.....	.....
45*	Improvement of the pay and prospects of Sub-Inspectors.	.....	.....	.....
46*	Increasing the pay of Head Constables ...	.....	.....	.....
47*	Increasing the pay of elephant establishment of the Superintendent of Police, Jalpaiguri.	.....	.....	.....
48†	Scheme for the protection of Government buildings at district and subdivisional headquarters (<i>vide</i> Government Order No. 4963 J., dated the 4th December 1914).	.....	.....	.....
49	Reorganization of the Howrah Town Police.	1,02,410	17,162‡	1,19,572	Since submitted Governor
50	Creation of a post of Sub-Inspector for Gymnastic Instructor in the Police Training College, Surdah.	744	.....	744	
51	Extension of the Dafadari scheme throughout the Presidency.	6,80,160	Not known yet.	6,80,160	
52	Appointment of three Sergeants on account of ordinary reserve in the districts of Western Bengal.	4,320	125	4,445	
	GRAND TOTAL ...	18,75,643	8,29,909	27,05,552	

* Details not yet settled.

† No estimate has yet been prepared as the matter is pending with Deputy Inspectors-General.

‡ Excluding the cost of buildings.

CHAPTER XVI.

Co-operation between the Police and the People.

The efficiency of the police force depends largely on its closeness of touch with the people and on the extent to which it is able to secure public trust and confidence. The police must usually rely for evidence as to any crime on those members of the public who witnessed its commission, and nothing can compel an unwilling witness to give satisfactory evidence. The proportion of police to the general population in Bengal is 1 to 2,090, far less than that in any other province in India, and the fact that the criminal statistics of Bengal do not compare unfavourably with those of other provinces shows the law-abiding nature of the population; but it also, I think, shows that co-operation on the part of the public in the prevention and detection of crime is certainly not absolutely non-existent.

At the same time it cannot be denied that greater co-operation between the police and the people would lead to better results, especially in the detection of crime.

Reluctance to co-operate on the part of the public is due, in part at any rate, to fear as to the treatment which complainants or witnesses are likely to receive from individual members of the force, to a not unnatural desire to avoid the inconveniences which too often necessarily under present conditions follow a willingness to give evidence and a doubt as to the ability of the police to give adequate protection to those who have incurred the hostility of those accused of crime.

Old traditions die hard, and a bad reputation long survives the introduction of improvement. Isolated instances of oppression also tend to give the public the opinion that practices which at one time were common are still characteristic of the force.

The character of the force depends on the character of the individuals composing it: improvement can be achieved only by the most careful recruiting both in the higher and lower grades; by the education of the members after they join the force, and by the summary punishment of all delinquents. Great attention has been given to these matters in recent years. It can safely be said of the Bengal force that their pay and prospects have improved; that great care has been taken to recruit the best men available; and that every complaint is thoroughly enquired into. In the matter of education, too much has been done. A police college was opened three years ago at Surdah for the training of Assistant Superintendents and Sub-Inspectors; and police schools for the training of constables have been organized at Surdah, Dacca, Rampur Boalia and Berhampur. Officers and men now receive a training which will better enable them to understand and solve the problems they have to tackle; and will at the same time make them better fitted and more willing to get into close touch with the people and to win their confidence and regard. It will take time for the effects of this training to permeate the whole force, but a great improvement is already perceptible to those who are in a position to judge, and the public may confidently look forward to greater efficiency as a result.

In the meantime attention has been paid to supervision. Gazetted officers have been placed in charge of subdivisions wherever possible; a grade of Deputy Superintendents has been created; great care has been exercised in the selection and recruitment of Inspectors, and in many cases the area of the Inspectors' circles has been reduced. As much has not been done to improve the Calcutta Police as has been done in the case of the Bengal force, but I feel sure that a great deal can be done. I believe that Government is fully alive to this and will carefully consider the steps which should be taken.

Many persons in a position to give assistance to the police are deterred from doing so by the inconveniences to which they are certain to be exposed, apart altogether from any fear they have as to their treatment by members of

the force. The number of investigating centres is small. Investigations cannot always be completed on the spot, and frequently witnesses have to go a long distance to attend the police office. The number of courts is still smaller, and the distances which witnesses have to travel before they can give evidence are in many cases very great. The witness knows too that if the case is a serious one he will have later on to attend the Sessions Court. Communications, especially in Eastern Bengal, are often precarious, and attendance at court may involve several days' absence from work and consequent loss of income, for which the allowances made to witnesses afford very inadequate compensation. Added to this there is frequently a not unnatural fear of the strange surroundings of the court and a dislike of rigorous cross-examination. These difficulties may not be confined to Bengal, nor even to India, but they undoubtedly have a most unfortunate effect here. An attempt has been made to meet some of them by increasing the number of investigating centres, by augmenting the staff of investigating officers in order to secure greater promptitude in the disposal of cases, and by the gradual improvement of communications; and projects for many further improvements are ready for execution as soon as money is available for the purpose.

One great drawback to the maintenance of close touch with the people is the number of members in the lower rank of the force who have little if any knowledge of Bengali manners, customs and language. At the police schools recruits are taught the Bengali language; but the only satisfactory solution of this problem will probably be found in the recruitment of constables to a large extent from the districts in which they serve. The Inspector-General is giving this matter his attention and some progress has already been made, though the difficulties to be surmounted are very great indeed.

In some classes of crime members of the public in a position to give evidence are deterred from doing so by fear of the action likely to be taken against them by the accused or his associates, and by a doubt as to the ability of the police to protect them against such action. We cannot deny that there are very real grounds for this attitude, and so long as these forms of crime exist, it may be impossible to remove it.

Full co-operation between the police and the people can only come gradually and by the action and reaction of different forces affecting police and people alike. Improvements effected by careful recruiting, subsequent training, and strict discipline will create greater confidence and trust in the public, and this trust and confidence will lead to closer touch; while the increase in facilities, simplification of procedure, and avoidance of delays will go far to render the people less reluctant to offer their services.

CHAPTER XVII.

History of the Criminal Investigation Department.

In the early years of Warren Hastings' administration there was a great increase in the crime of dacoity and pecuniary rewards were offered as early as 1772 for information which would lead to the conviction of the perpetrators of these crimes. In 1792 the specific reward of Rs. 10 for every dacoit, payable on conviction, was authorised and continued to be paid up to 1808. It was this practice which led to the rise of the profession of *goenda*. The introduction of the police thanas so far from checking the system led to its expansion. Every thana had its set of *goendas* looking for employment and countenanced by the Daroga. Some Darogas even shared in the head money. Mr. Blacquiere, then Magistrate of Nadia, in the beginning of last century, succeeded in getting members of the great dacoit gangs to give information concerning the habits of their former associates. At first these men attached themselves to Mr. Blacquiere, because they found with him a quieter and more profitable occupation for themselves and their families. They broke completely with their old associates but they gave information of what they knew of their ways and habits and the names and places of residence of the members of the gang. In the beginning they formed a real "detective" agency—their great value was their special knowledge. The scheme met with such success in Nadia that other Magistrates were encouraged to try it—but in the absence of careful supervision the system led to great abuses.

Incautious Magistrates were occasionally induced to entrust professed *goendas* with general warrants and indefinite commissions for the apprehension of criminals in places particularly infested by robbers. Officers called *girdwars* were regularly entrusted with power to apprehend those pointed out by the *goendas*, and it is unquestionable that these *girdwars* and *goendas* abused their power and extorted money not only from the dacoits but also from innocent persons; and in some cases it was suspected that the *goenda* himself devised the robbery of which he convicted the unhappy wretches reduced by his arts to a participation in the crime.

In 1808 the office of Superintendent of Police was created and the object aimed at was the co-ordination of efforts to investigate crime which was not confined to a single district, and the efforts of this officer and of Mr. Blacquiere, with his extended functions, met with considerable success.

In 1812 (*vide* "Fifth Report"), the following reasons are given for the continuance of the *goenda* system:—

- (1) The necessity for the adoption of some strong measures to check and suppress the outrages committed by dacoits.
- (2) The good state of the police within the town of Calcutta, where *goendas* had been employed by the Magistrates and particularly under the direction of Mr. Blacquiere.
- (3) The benefit experienced in the district of Nadia from the employment of Mr. Blacquiere with *goendas* for the discovery and seizure of dacoits.
- (4) The rules under which *goendas* were directed to be employed, which prohibited their receiving general warrants and restricted them, to pointing out persons accused of crimes to the *girdwars*, or officers who attended, to apprehend them.

The Fifth Report, however, records that "the satisfaction which this" (*i.e.*, the considerable success met with) "must have afforded to Government underwent probably some abatement, on the discovery which was made, that some of the *goendas* thus employed had, in concert with the *girdwars*, actually been committing depredations on the peaceable inhabitants, of the same nature as those practised by the dacoits, whom they were employed to suppress."

The inability of the regular police to deal with the Thugs led to the use of a similar system. Sleeman in 1835 organised the Thuggee Department independent of the regular police. The success of Sleeman's methods is well known. The crime of Thuggee was stamped out within a very few years. In 1839 the duty of suppressing dacoity was added to the Department, but it was found, as the work increased, that it was impossible to supervise it adequately from the one centre, Jubbulpore. Provincial Departments were, therefore, created and a Special Commissioner for the Suppression of Dacoity in Bengal was appointed in 1852, with headquarters at Bandel. The methods were not so successful in the suppression of dacoity and the system was frequently attacked. The number of *goondas* became very large—a letter of 1863 gives the names of 246, of whom 179 were stated to be useless. The old gangs had been broken up, the old informers had lost touch with their profession and had not developed into police officers. Some were content to live on the allowances made to them by the department, and such as were useful were reduced to obtaining information by associating with the dacoits. Their position led them in some cases to return to their old profession and in others to levy blackmail.

Meanwhile the real difficulty had been tackled; the existence of the Special Department was due to the inefficiency of the old police. The reforms which followed the Police Commission of 1860 altered this. The Commission recommended that these Special Departments should be absorbed into the new police force. In 1863 the Government of India issued orders for the transfer of the duties of the Thuggee and Dacoity Departments in the Provinces to the regular police, but the special agency was maintained for the prevention of these crimes in Native States.

In Bengal the Lieutenant-Governor, Sir Cecil Beadon, issued orders on the subject in letter No. 4551 of 12th June 1863. His Honour considered it was out of the question to continue to uphold a system under which police and judicial functions were blended in so objectionable a manner as they were in the Dacoity Department, where the tracing out of criminals, the charge of the approvers who were the chief witnesses against these criminals and the committal of the cases for trial were all vested in one man, practically exempt from all control. His Honour considered that the new police should be prepared to deal with violent organized gang robberies as confidently as with any other class of crime. The Lieutenant-Governor, therefore, considered it necessary to entrust the duty of organization of the police for the suppression and detection of every kind of crime in one officer, viz., the Inspector-General of Police and to do away entirely with the Dacoity Department as a separate and independent establishment. At the same time the special knowledge of dacoit gangs and their operations possessed by the department was not thrown away. The Lieutenant-Governor expressed the opinion that it was of the greatest importance that there should be a special branch of the police at the disposal of the Inspector-General for the purpose of detecting on some systematic principle offenders either in cases of ordinary heinous offences, the investigation of which is attended with peculiar difficulty demanding the undivided attention of the officers engaged in the inquiry and in other classes of cases, whether gang robbery, highway robbery, burglary, cattle stealing or any other crime particularly prevalent in certain localities. His Honour, therefore, directed that a special detective force should form a part of the organization of the new police. As a commencement, the Special Commissioner for the Suppression of Dacoity in Bengal (Mr. Reilly) was made a Special Detective Superintendent, with one of his officers, Babu Guru Charan Das, as his assistant. A few of the best of the approvers were attached to the branch as constables. This force formed the nucleus of the Criminal Investigation Department under the Inspector-General of Police.

The following is an extract from the Inspector-General's Circular Memorandum No. 1, dated the 6th January 1864:—

‘The Detective Department, as now organized, is no doubt cleared of the objectionable blending of police and judicial functions, which formerly prevailed, but still it remains practically a small *imperium in imperio*, and as His Honour would seem to have anticipated, jealousies and want of union and co-operation between the subordinate officers of the Detective Department, and of the Ordinary Police in districts, is apparent.

Indeed, I question whether these feelings do not extend even higher than the "subordinate officers." In practice it is quite impossible to get an ordinary native to work properly under two heads, even though these heads may be in the same department and under the same superintending control. The Detective Officers are not subordinate to the Ordinary Police directed by the District Superintendent, yet they reside in the districts and are expected to attend daily at "the Court" of the District Superintendent of Police. The Detective Inspector "is so to dispose his detective Constables" (who likewise are independent of the Ordinary Police) "as may seem fit to him for obtaining information of any crime that may be going on in the district." The District Superintendent of Police is forbidden to interfere in any manner with these Constables, but should the Detective Inspector get any information from his Constables which appears to him likely to be useful to the Regular Police, he is to report it to the District Superintendent. This would seem to leave it discretionary with the Detective Inspector whether to report or not to the Superintendent of Police, and further on, it is stated that he (the Detective Inspector) is "expected" to be in daily communication with the Superintendent of his (the Detective) Department, and to "keep him informed of all that goes on in the district;" over all the police of which, the District Superintendent of Police is by law the superintending head. Now I cannot conceive any plan more likely to promote heart-burnings and jarring—and I would ask any one to place himself in the position of a District Superintendent of Police, and consider whether he would feel comfortable in having such a "detective" machinery, the strings of which are pulled by a far-off and mysterious agency, at work in his district. I am sure that the present Detective Agency, which is avowedly an experiment for the seven districts (only) as per margin, will never harmonize with the Constabulary.

The rise and progress of the Dacoity Department in Bengal, is attributable entirely to the inefficiency of the old Police. The character and nature of the crime in Bengal certainly does not warrant the maintenance of any separate establishment to surmount it, especially when that establishment has been pronounced on the very high authority of His Honour the Lieutenant-Governor to have failed, as shown by the last two years' returns. But the old Police was so thoroughly cowardly, and incapable of coping physically with violent crimes, that the Government were only too glad to avail themselves of the first energetic Magistrate who showed a speciality for dealing with them; and thus the agency for the suppression of dacoity became a separate institution. I hardly think that the spirit of His Honour the Lieutenant-Governor's orders conveyed in the documents already quoted, have been fulfilled by the existing establishment which, in theory, may be embodied into the Police, but in practice remains almost as separate as ever from the whole force with the single exception of the Inspector-General—no real incorporation or amalgamation has taken place. The Head Detective Officer has a distinct office, and office establishment, in Calcutta—the latter at a cost solely for the detective force of no less a sum than Rs. 425 per month, which is nearly equal to the office establishment of an Inspector-General of Police under the smaller administrations; and until lately there were apparently other separate offices and office establishments at Hooghly, Jessore, and Moorshedabad. Now, I think, that the Dacoity Department in Bengal may safely be abolished altogether as a special agency which, as before said, practically and in reality, it continues to be even now; and I would therefore advise the placing of this service in the hands of the Deputy Inspectors-General who were intended to undertake such duties, and are peculiarly well situated for the purpose of tracing out and uprooting heinous and organized crimes which may extend beyond the limits of a single district.

* I would place under each of these officers the best Native Inspector the circle would afford, and four selected men; all these men would be moveable from district to district as heinous or organized crimes such as dacoity, thuggee, robbery by means of drugs or cattle-stealing might become rife. These men would act as a part and parcel of the District Police Force so long as they were within district limits, and the Deputy Inspector-General of the Circle should be the person to guide the operations of the District Superintendent and the rest of the Police, and not a special Detective Officer sitting in Calcutta."

APPENDIX TO CHAPTER XVII.

History of the Criminal Investigation Department from 1887.

THE Special Branch of the Criminal Investigation Department was created about December 1887, with the object of dealing with specially confidential political movements and meetings, excitement, wandering characters of a suspicious nature, public feeling, illicit trade in arms and ammunition, etc., and its organ, the confidential Police Abstract, was first published in June 1888. From a circular issued under the instructions of Sir Edward Henry in 1893, it appears that the wishes of Government were that as far as possible the very existence of the Special Branch should be unknown or at any rate kept in the back ground.

The success of the work of this Branch at first depended largely on the personal interest taken in it by the Inspector-General himself, and from time to time circulars were issued drawing the attention of the District Officers to the importance of the duty of collecting this special information.

In 1905 the political situation increased the work of the Special Branch greatly. The anti-Government movement, which found expression at this time in opposition to the partition of Bengal, was the subject of many reports.

The first reference to the beginnings of the anti-Government movement are to be found in a circular of the 8th of December 1905, which directs that all cases arising out of *swadeshi* agitation should be reported according to rules in force for collisions between Europeans and Indians. In April 1906, the Eastern Bengal Government issued a circular on illegal practices connected with *swadeshi* agitation and there is a Bengal circular, dated September 1906, calling for full reports on the anti-partition agitation and the *swadeshi* movement. The first regular list of the more public and prominent persons connected with the political agitation was published on the 27th July 1909. It contained 22 names.

The Special Branch was at first under the Deputy Inspector-General, Crime, but in October 1905 the Branch was placed in charge of the Personal Assistant directly under the Inspector-General. Confidential reports regarding all matters apparently connected with the anti-Government movement were submitted to him. These reports were not supposed to take the place of the special reports submitted by the Superintendents of Police. They were called for with a view to enable the Special Branch to make use of the information collected at headquarters and advise such action as might seem desirable without delay. Up to this time Mr. Denham had been the Assistant in charge of the Special Branch, but in May 1908 the work had increased very greatly and a senior officer, Mr. Daly, was appointed Deputy Inspector-General in charge of the Special Branch. By a circular, dated 23rd December 1909, Superintendents of Police were required to report by express telegram to the Special Branch all cases of dacoity, murder, etc., reasonably believed to be committed by members of the revolutionary party. By this circular, the special reports went direct to the Special Branch and the Deputy Inspector-General, Crime, or the Deputy Inspector-General of the Range was prohibited from issuing further instructions in the case.

As the question of preventing and investigating the crime arising out of the anti-Government movements became more and more important and the work of the criminals more and more extended—a serious difficulty arose. The Calcutta Police Force is independent of the Inspector-General of Police and in consequence has its own detective department. This department, however, did not possess the expert knowledge of revolutionary crime possessed by the department under the Inspector-General, and Calcutta naturally became the centre for many of the criminals, this led to friction.

In March 1911 a Committee discussed the question, and as a result a Special Deputy Commissioner was placed in charge of the Special Branch of the Detective Department of the Calcutta Police. This Deputy Commissioner worked "in subordinate co-operation" with the officer in charge of political crime in the Provincial Department, and the system worked fairly satisfactorily up to June 1912, when there was a decrease in political crime and the Calcutta Police, Special Branch, was re-absorbed into the ordinary Criminal Investigation Department. After October 1905 there was a recrudescence of political crime and the Special Branch was reformed in Calcutta under the Deputy Commissioner sanctioned for the second division. This was a makeshift and no orders were ever passed by Government as to this officer's relations with the Bengal Intelligence Branch, but he has carried on much in the same way as the former Special Deputy Commissioner, with the exception that his weekly report instead of going to the Commissioner and then to Government, goes to the Intelligence Branch and is amalgamated with the Intelligence Branch report. Further, owing to the Calcutta Intelligence Branch staff being totally inadequate, a number of Bengal officers are employed on enquiries in Calcutta, and report direct to the Bengal Intelligence Branch and not through the Calcutta Intelligence Branch. This system does not work very satisfactorily.

As I have explained in tracing the history of the Criminal Investigation Department, there are now two distinct and, for practical purposes, separate branches dealing with specialized crime—the Intelligence Branch (or I.B.), which deals with matters connected with the anti-Government movement, and the Criminal Investigation Department

(or C. I. D.), which deals with other special forms of crime.* Each of these branches is under the control of a Deputy Inspector-General responsible directly to the Inspector-General of Police.

The C. I. D. work is divided under the following heads:—

(1) The Railway Branch, divided into—

- (a) East Indian Railway and Bengal-Nagpur Railway,
- (b) Eastern Bengal Railway.

each being in charge of a Superintendent.

(2) The River Police, also in charge of a Superintendent.

(3) The Headquarters Department (under a Superintendent called the Assistant to the Deputy Inspector-General) consisting of—

- (i) The Investigation Department.
- (ii) The Finger Print Bureau.
- (iii) The Criminal Intelligence Bureau.
- (iv) The Photo Bureau.
- (v) The Gazette Branch.

In addition to these branches of police work, the Deputy Inspector-General is responsible to the Inspector-General for the organization and efficiency of crime work carried on in the district offices, and he is expected to visit each district office at least once in two years.

To these branches it is proposed to add a Special Branch, in charge of a Superintendent, to deal with action under the Criminal Tribes Act, and a special school for the instruction and training of police officers in advanced detective work.

In connection with the rivers and railways, the head of the C. I. D. performs the ordinary duties of a Range Deputy Inspector-General and these duties are by no means light. Similarly, he performs the duties of a Range Deputy Inspector-General with regard to the River Police, and as this force is still in process of organization, his duties in this connection are very heavy indeed.

The chief duty, however, of the head of the C. I. D. is the control of the investigation of professional crime. Reports of certain classes of crime are sent direct to him and likewise reports of all crimes which have the appearance of being the work of a gang of professional criminals. Except in Howrah, where there is a special Detective Department, there is no recognised rule whereby special officers are set apart specially for the detection of crime. In some districts Superintendents have picked out officers who have shown special detective ability, but this is possible only by reducing the staff sanctioned for ordinary police duties in some direction. The Range Deputy Inspector-General have no detective officers attached to their establishment, though sometimes for convenience a special detective officer is deputed to work under the guidance of a Deputy Inspector-General. All special detective officers are concentrated at headquarters.

When a crime comes to the notice of a Superintendent, and he has reason to believe that the staff at his disposal is not fully qualified to deal with it satisfactorily, he applies to the C. I. D. for a special officer, and this officer must work under the Superintendent. Copies of all diaries are forwarded to the Deputy Inspector-General. There are also at times important cases of fraud or gang cases which are taken up on the initiative of the Deputy Inspector-General himself.

The C. I. D. publishes a *Criminal Intelligence Gazette* with an illustrated Supplement. This publication contains all items of news which the Department thinks may be useful to the District Officers in the detection and prevention of crime. The items are published as quickly as possible; the essence of such publication must be promptitude, and the Department cannot vouch for the accuracy of the statements published, but the Deputy Inspector-General makes every attempt to secure accuracy by close supervision over the Superintendents and others who supply the information.

The Criminal Intelligence Bureau is yearly growing in value and the knowledge of its use is spreading. At present there are two or three enquiries daily, and every week officers from the mufassal come to search for information.

The Finger Print Bureau has now 115,000 records and deals yearly with about 15,000 references from all parts of India. In about 25 per cent. of the cases the Bureau has been able to trace the owner of the finger-print.

The Intelligence Branch of the C. I. D., as I have said above, deals with all matters bearing upon the anti-Government movement. At the present time it employs the following staff:—

PERMANENT STAFF.

- 1 Superintendent of Police on Rs. 700; local allowance Rs. 200 and house allowance Rs. 150.

This appointment is to be kept vacant so long as the post of temporary Deputy Inspector-General is retained.

- 1 Assistant Superintendent of Police (Special Assistant); average pay Rs. 400; local allowance Rs. 100 and house allowance Rs. 100.

- 1 Deputy Superintendent of Police for office; average pay Rs. 400; local allowance Rs. 100 and house allowance Rs. 75 for a European officer.

2 head-constables (1, 2nd grade and 1, 3rd grade); local allowance at Rs. 8 each and house allowance at Rs. 2 each.

25 constables at an average pay of Rs. 11-8. Local allowance for 21 constables (excluding 4 for the ordinary reserve) at Rs. 4 and house allowance for 25 men at Rs. 2 each.

17 Clerks—

1 on Rs. 250—10—300.
2 on Rs. 200—5—250 each
4 on Rs. 150—5—200 „
4 on Rs. 125—5—150 „
6 on Rs. 100—5—125 „

TEMPORARY STAFF.

		Cost, Rs. A. P.		
1 Deputy Inspector-General of Police, 2nd grade, Rs. 1,500 per mensem	1,500 0 0			
House allowance to Deputy Inspector-General (5 months at Rs. 175 and 7 months at Rs. 60)	107 14 8			
1 Superintendent of Police, 4th grade, on Rs. 800 per mensem	800 0 0			
Local allowance at Rs. 150 per mensem	150 0 0			
House allowance at Rs. 150 „ „	150 0 0			
1 Superintendent of Police, 5th grade, on Rs. 700 per mensem	700 0 0			
Local allowance at Rs. 150 per mensem	150 0 0			
House allowance at Rs. 150 „ „	150 0 0			
2 Deputy Superintendents of Police, 4th grade, on Rs. 250 each per mensem	500 0 0			
Local allowance at Rs. 100 each per mensem	200 0 0			
House allowance at Rs. 50 „ „	100 0 0			
1 Deputy Superintendent of Police (to be provided from the existing provincial cadre) .. .. .	.....		
Local allowance at Rs. 100 per mensem	100 0 0			
House allowance at Rs. 50 „ „	50 0 0			
15 Inspectors—	Rs. A. P.	Rs. A. P.		
1 1st grade at Rs. 250 per mensem	250 0 0			
3 2nd „ at „ 200 each per mensem	600 0 0			
6 3rd „ at „ 175 „ „ „	1,050 0 0			
6 4th „ at „ 150 „ „ „	900 0 0			
		2,800 0 0		
28 Sub-Inspectors—	Rs. A. P.			
1 1st grade at Rs. 100 per mensem	100 0 0			
6 2nd „ at „ 80 each per mensem	480 0 0			
7 3rd „ at „ 70 „ „ „	490 0 0			
10 4th „ at „ 60 „ „ „	600 0 0			
4 5th „ at „ 50 „ „ „	200 0 0			
		1,870 0 0		
26 Head Constables—	Rs. A. P.			
5 1st grade at Rs. 22-8 each per mensem	112 8 0			
9 2nd „ at „ 20 „ „ „	180 0 0			
12 3rd „ at „ 17-8 „ „ „	210 0 0			
		502 8 0		
93 Constables on an average pay of Rs. 11-8 each per mensem .. .. .	.....	1,069 8 0		
House allowance—	Rs. A. P.			
16 Inspectors at Rs. 30 each	480 0 0			
28 Sub-Inspectors „ „ 20 „	560 0 0			
26 Head Constables „ „ 2 „	52 0 0			
93 Constables „ „ 2 „	186 0 0			
		1,278 0 0		

TEMPORARY STAFF.

				Cost.		
Conveyance allowance—				Rs.	A.	P.
16 Inspectors	at Rs. 20 each	...	...	860	0	0
27 Sub-Inspectors	at „ 20 „	...	...	
Local allowance—						
16 Inspectors	at Rs. 60 each per mensem	...	...	2,552	0	0
27 Sub-Inspectors	at Rs. 40 each per mensem (excluding	1 Sub-Inspector for the ordinary reserve)	...			
28 Head Constables	at Rs. 8 each per mensem		...			
76 Constables	at Rs. 4 each per mensem (excluding 17 constables for the ordinary reserve)	...	...	
1 Clerk	on Rs. 200	...	...	350	0	0
1 Clerk	on „ 150	...	...	
Total per mensem				15,939	14	8
						+ 12
Total per annum				1,91,279	0	0

In addition to the headquarters staff there are District Intelligence Officers under the Superintendent in each district, but these officers are part of the regular staff of the district.

From 1st March 1916, all constables, temporary and permanent, will get a town allowance of Re. 1 per mensem.

The duties entrusted to the I. B. may be classified as follows. They are laid down in circular No. 3 I.B., dated the 3rd August 1914:—

- I. *Detective Branch.*—To assist the Police Department in the detection of crimes of murder and dacoity or robbery which from attendant circumstances appear to have been committed with the object of furthering the anti-Government movement.
- II. *Preventive Branch.*—(1) To collect information regarding the movement with a view to preventing crime—(a) through officers of the Department directly, (b) through paid or voluntary agents, (c) by scrutinizing the Press, (d) by examining documents seized under warrants for house-searches, (e) in other miscellaneous ways, such as confessions of prisoners, etc.
 (2) To watch the movements of individuals with a view to preventing them from committing crime.
 (3) To scrutinize the vernacular and English Press and bring to the notice of Government books and periodicals which contain passages of a nature likely to bring the Government into contempt or to encourage racial hatred, and to bring to the notice of Government breaches of the Press laws. (Lately this duty has been dealt with by the Press Censor.)
 (4) To assist Government in the administration of the Arms Act and Explosives Act.
- III. *Information Bureau.*—To record and classify information and make it available to the officers of the Department and Government in connection with enquiries regarding appointments, schools and colleges, etc., and to the Governments of other Provinces and to the Director of Criminal Intelligence.

In a previous part of this note I have tried to give an account of the history of this anti-Government movement, and I have tried to show how in the end it has led to the organization of a revolutionary party—a small body of men well organized, whose ultimate object is to rid the country as soon as possible of an alien rule, and who hope in some way to attain this end by plotting against the present Government of the country. To enable them to carry out their designs they require money, and this they secure by subscriptions and by organized robbery and by forcible contributions; and when they are interrupted in their work or in danger of being detected, they do not hesitate to assassinate those whom they believe to be the most active of their enemies. The police force is not as much concerned with the cause of this state of affairs; it is concerned with the fact that such a state of affairs exists, that plots against Government and crimes against society have to be prevented and that those who break the laws should be speedily brought to justice. It is for the Government to consider how the causes are to be removed. The police deal with existing facts. The crimes committed are not isolated and independent breaches of the law: they are incidents in a well-organized movement, and it is this fact which differentiates these crimes from ordinary murder and dacoity and which renders it necessary to have a Special Branch of the Detective Department to deal with it. The

Department has grown gradually as the ramifications of the organization have come to be known. The criminals belong to a new class. There are clever brains at work behind the scene, and the schemes devised are frequently carried out by tools who know little or nothing of the organization which is making use of them. Consequently it is impossible to detect the real criminals without a detailed knowledge of the whole organization, and this knowledge can be acquired only by patient study.

The work of this Special Department (or Intelligence Branch as it is called in Bengal) naturally divides itself under three distinct heads—

- (1) Rendering assistance in and the controlling of the investigation of actual crimes committed and the detection of the criminals;
- (2) the prevention of such crimes either directly, *e.g.*, by watching potential criminals or indirectly by preventing the spread of the idea;
- (3) as an auxiliary to both of these, the collection and convenient recording of information.

These heads correspond with the branches of the Department already referred to.

The responsibility for the actual investigation and detection of crime must always rest with the officer of the police force who is entrusted with the investigation and detection of crime of the area within which the crime is committed, unless and until higher police authority definitely takes the responsibility from him and places it on the shoulders of another; but this officer will always be at a disadvantage in dealing with revolutionary crime, because he cannot ordinarily have that minute knowledge of the revolutionary organization so necessary to successful investigation. For example, names of men or places, references to incidents made by witnesses, which conveyed nothing to him might afford a clue to an officer who knows the organization. The detective side of the Intelligence Branch must therefore have a staff of officers with an expert knowledge of the organization and its members, and these officers must be ready to place their services at the disposal of investigating officers at a moment's notice; but they should remain expert advisers; the conduct of the case should remain with the officer in charge of the investigation. This, it seems to me, must be the theory; the practice must often depend on the efficiency of the local officer, and there must be great temptation on the part of an able I. B. officer to take matters entirely into his own hands.

But the hardest and in some ways the most responsible duty of the Intelligence Branch is the prevention of such crimes. The number of crimes actually committed is not large, but the number of potential criminals may be very large indeed. Preventive measures are divided under two heads—(a) political, (b) police. Political measures are those devised by the Government with the object of removing the causes of discontent which lead young men to join the ranks of the criminals. With such preventive measures the police have no concern, but there are other preventive measures—I have enumerated some of them above—the collection and record of information, the surveillance of individuals, the scrutiny of the Press, the administration of the Arms Act. The number of officers employed at any one time in connection with the investigation or prosecution of particular cases is not large, but the number of officers employed in preventive work is considerable. It is in this work also that the officers of the Department come into collision with the members of the general public.

Information is collected from the following sources:—

- (1) Information reported directly by officers of the Department: such information may come into possession of the officer (a) from his own direct observation, or (b) from others either in return for payment (informers) or voluntarily.
- (2) Diaries of (a) officers of the Department, (b) officers of other departments of the regular police force, (c) Superintendents of District Police.
- (3) Case diaries.
- (4) Information received from other Provinces.
- (5) Information received from the Director of Criminal Intelligence.
- (6) Information received from approvers and prisoners.

The amount of money which is expended secretly in the collection of information is remarkably small. The whole expenditure in secret service does not exceed Rs. 35,000, and of this sum, nearly Rs. 30,000 is used in the payment of "watchers," in diet for under-trial prisoners and in other ways, and only Rs. 5,000 in the direct purchase of information. This disposes at once of the charge that the police pay for a great army of spies to watch the people. The chief sources of the Department are their own officers. It is possible that individual officers may pay small sums from their own pocket for information, but as the officers of the Department are well known to be honest, whether from character or want of opportunity it is in this connection immaterial, the amount of such payments must be very small. The sums placed at the disposal of District Officers for the purchase of information are infinitesimal. There are no regular informers or spies in the sense that men are secretly employed on a regular salary to go about the country collecting information. Such agents are at times employed in connection with special developments, but when their capacity to give information in this special line ceases, they cease to be employed. There are also cases in which individuals who have given information which has proved valuable are rewarded. There is, however, no organized system of spies. I gather that police officers are frequently assisted in their inquiries by friends or relations, who have ordinarily no desire for reward beyond the knowledge that they are assisting the officer to make a reputation for himself, and that it has happened that

special aptitude for police work has come to light in this way, and that such men have in a very few cases subsequently been drafted into the regular police force.

The diaries of the officers call for no special note—their value varies greatly according to the capacity of the officer.

The information communicated by the other Provinces and the Director-General of Criminal Intelligence is furnished both in the form of weekly abstracts and of independent notes.

Such items of information as are likely to be of general interest are published in the Weekly Abstract of the Intelligence Branch.

The surveillance of individuals is a very difficult task in any country: in Bengal it is rendered doubly difficult because the constables of the Department are for the most part up-country men, whose presence is always noticeable. The work, therefore, has to be entrusted to Sub-Inspectors or officers of higher status, who are themselves Bengalis, and as the number of such officers is small, their identity cannot long be concealed. Effectual surveillance, therefore, must almost always be carried out openly, and when this is so, the annoyance caused is naturally great and the irritation is not confined to individuals under observation. The cost involved is also considerable. These considerations lead to surveillance being employed only in cases when it is absolutely essential as a preventive measure. The number of suspects is about 60. There is, in addition to the list of people who are kept under surveillance, a directory of people who have at any time been suspected of dangerous complicity in the anti-Government movement. This book contains particulars concerning about 257 individuals, but these "suspects" are not regularly watched. Their movements are reported when there appears to be reason for doing so. This list is carefully checked by the Deputy Inspector-General when he visits the districts, and it is also checked once a year; names no longer considered to be of importance are removed.

The scrutiny of the Press, though it involves much labour, does not call for much comment. The Department does not take action under any of the Press laws on its own initiative. Every case is referred to Government for orders. At present the Press Censor is dealing with this work.

Similarly, the administration of the Arms Act does not call for comment.

District Intelligence Staff.—There are several points in the working of the two branches of the Criminal Investigation Department which appear to me to call for consideration, but I make these suggestions very diffidently. It would require a far greater study of the subject than I have been able to make, to understand the working thoroughly, and I therefore offer these remarks by way of suggestion.

The first point concerns the organization of detective work under the Inspector-General. The experience of police forces throughout Western lands leads to the belief that it is to the advantage of the administration to have all ordinary detective work under one administrative head directly responsible to the head of the police force. But here in Bengal we have to deal with an exceptional case of specialized crime, and the doubt arises whether the special force dealing with this crime should form a branch of the regular detective force or should be in charge of a Special Administrative Assistant directly under the Chief of Police. The latter is the case in Bengal. Connected with this system there are disadvantages. In the first place, it is impossible always to draw a clear line between ordinary crime and revolutionary crime. In the second place, officers dealing with revolutionary crime and nothing else are perhaps apt to take a narrow view of the condition of the country and the measures necessary to deal with it, and so long as these officers are the sole advisers of the Inspector-General, he (especially if he is not a professional police officer), and after him, the Government, is in the hands of the Special Department. A change to less strenuous work would often be good for the officers themselves and, lastly, it would on general grounds be an advantage to the Chief of Police to administer the Detective Department through one head instead of two. On the other hand, the work of the Deputy Inspector-General, Crime (Criminal Investigation Department), and that of the Deputy Inspector-General of the Intelligence Branch is already more than sufficient for two officers, and the duties done by these two officers could not be done by one. The only solution would be to place an administrative officer over the heads of both.

Closely connected with this is the necessity for close touch between the work of the Intelligence Branch and the Government. There is no call for any closer touch between the Deputy Inspector-General of Crime, Railways and Rivers, and the Government than exists at present through the Inspector-General, but with the Intelligence Branch it is different. In the first place, many of the actions of the Intelligence Branch require the special sanction of Government, and this sanction has to be procured at short notice. In the second place, the Intelligence Branch is fighting an organized conspiracy, the object of which is the overthrow of the Government, and the action to be taken in many cases requires constant consultation with Government. This difficulty is accentuated in Bengal by the fact that the headquarters of the Intelligence Branch must be in Calcutta, that the Government remains at the capital for only about five months out of the twelve, and that the Chief of Police is a touring officer. The problem of bringing all these factors together is a very serious one. The following courses are possible:—

- (1) To treat the Intelligence Branch exactly the same as the Criminal Investigation Department.—The disadvantages of this are that the Government would know little or nothing of the Intelligence Branch; that the

Intelligence Branch would often be ignorant of the policy of the Government; that the delays likely to occur in explaining a situation through an Inspector-General on tour to a Government in the Hills might, and probably would, lead to disaster. In any case it would probably lead to friction between the Government on the one hand and the Inspector-General and the Intelligence Branch on the other.

- (2) To place the Intelligence Branch in direct communication with a Secretary to Government, who would ordinarily remain at the capital.—The disadvantage in this is the extra cost of such an officer, the responsibility Government would have to lay upon his shoulders, and the danger of lessening the responsibility of the Inspector-General for the peace of the Province.
- (3) To place the Intelligence Branch and the Criminal Investigation Department under a special administrative police officer and to give him direct access to the Government.—The only objection to this course is that the Government may still be far off. The only complete solution of the problem is perhaps to locate the Government permanently in the capital and to place an administrative officer—not necessarily a policeman, but under the Inspector-General—in charge of all detective work. So long as this cannot be attained, I am inclined to think that the best course would be to leave the two departments independent and to give the Deputy Inspector-General, Criminal Investigation Department, direct access to a Secretary to Government and to retain that Secretary ordinarily in Calcutta throughout the year.

A second point for consideration is the decentralization of the detective work of the Criminal Investigation Department. Would it not be possible to relieve these officers of the Range duties connected with the Railway and River Police? There are difficulties: the Dacca Range Deputy Inspector-General is already overburdened, but at the same time he has to move about the rivers and there would probably be great advantage in coordinating the land work with the river work. The Range Deputy Inspectors-General have to travel up and down the lines and, similarly, there would probably be advantages in placing them in charge of railways. This, however, is a matter rather for experts, and I offer my opinion very diffidently. Would it be possible also to decentralize detective work by bringing in the Deputy Inspector-General more? The present Deputy Inspector-General seems to be overburdened with routine duties, and it might be possible to decentralize these and hand them over to the District Superintendent so as to enable the Deputy Inspector-General to take the part in the detection of crime which a senior officer of the police force ought, by his training, to be able to do. I do not think that under the present organization the Deputy Inspectors-General are able to give that measure of assistance in the prevention and detection of crime which the Inspector-General should expect from his senior professional officers.

The work of district office inspection takes much of the time of both the detective Deputy Inspectors-General and interferes often with their regular work. The instruction which they are able to give to the local officers must be of great advantage to them. But should such regular instruction not form part of the duties of the Range Deputy Inspector-General? The Deputy Inspector-General, Criminal Investigation Department, would then be able to give the time required for the duty of supervising the detective work of the Province.

I feel still more diffident in making suggestions regarding the Intelligence Branch. The experience I have had has proved to me the difficulty of the task they have before them. I have referred to this, and suggested that unless the Government lays down a definite policy to guide them, their task is an impossible one. I have also learned to appreciate the conscientiousness of the officers of the Department, the hard work they do under the greatest discouragements, some inevitable and others perhaps unnecessary. The pecuniary honesty of the officers is admitted on all hands.

Perhaps it is the result of ignorance on my part, but I have a feeling that the organization of the work at Camac Street could bear improvement. This is not impossible, because the Department has grown up gradually as the work has increased and the officers at the head have worked day and night at the prevention and detection of crime, and they have had no one to help them with the organization of the office. For example, the indexing requires, I think, thorough revising, and assistance to carry this out should be given. In matters such as this rules of guidance would be very valuable, but none of the officers has time to sit down and attend to such matters. As things are at present, the Department has to fight for the men required to do the work, and no one has the time to work out a case to convince Government of their needs and place the Department on a secure foundation instead of the present hand-to-mouth existence.

It is possible in the working of the Department that there is overlapping. I heard of a case not long ago where I think eight senior police officers were seen sitting round a witness suggesting questions. It should ordinarily not be necessary for more than the officer in charge of the investigation, his superior perhaps, and the I.B. expert who is helping him, to be present at the examination of a witness. I speak subject to correction, but in any case four or five I.B. experts should not be necessary. It is possible that the keenness of the officers leads them to attempt too much and to take part in investigations to an extent which tends to remove too much responsibility from the shoulders of the officer in charge of the case.

I directed by inquiries particularly to the question of screening the Department as much as possible from the public gaze; but after discussing the subject with the senior officers I doubt whether more can be done than is being done at present. In the first place, I understand there is an order of Government that an I.B. officer should go into the witness-box at an early stage in an important case to satisfy the Court that the police inquiry has been fairly conducted. This, I think, is unfortunate. I suggested that I.B. officers should not take an active part in house-searches, but it was pointed out that the ordinary thana officer would not know what was of value in a search and what was useless, and if an I.B. officer was present at a search it was impossible to keep him out of the witness-box without incurring the suspicion of the Court. I admit there are great difficulties and I do not see how at present they are to be solved.

There is one great problem to which I have not referred in this note, because I have dealt with it at length in the note on the Calcutta Police. The revolutionary organization is one, but to fight it Government has two organizations—the chief one under the Inspector-General and a subsidiary one under the Commissioner of Police, and this subsidiary special branch of the police has to deal with the headquarters of the revolutionary organization. In theory it would be wise to have one organization to fight revolutionary crime, but under the present organization of the police force, that is not possible. The Commissioner of Police is in independent charge of the policing of the capital city, and in this capacity he must be responsible for the prevention and detection of all crime and for all police measures taken within the police boundaries of Calcutta. I quote below the paragraphs in the Calcutta note dealing with the subject:—

“27. (1) There must be one officer responsible for carrying out within the Presidency the general policy of the Government regarding the measures to be taken to combat revolutionary propaganda and crime. This officer must be in the closest possible contact with the Government in order that he may know what that policy is, and that the Government may have confidence that their policy is being carried out.

“(2) There must be a body of expert officers trained in the history of the movement and well-versed in all the information possessed concerning it, ready to be placed at the disposal of any investigating officer requiring their services.

“(3) There must be a body of picked officers trained to collect information.

“(4) There must be one Central Bureau with a trained staff where this information is recorded and indexed, and so made available in the most practical form for the use of these officers.

“There are two police forces within the Province—the Provincial force and the Calcutta force. The head of each is directly under the Government, and the headquarters of each is in Calcutta. It would be possible to entrust the direction of the campaign against revolutionary crime to either of these officers; but under present conditions in Bengal it will be admitted that the general direction of the movement should be placed in charge of the head of the Provincial force and that his Intelligence Department should include the chief experts and the Bureau where the information is indexed and recorded.

“29. The Calcutta Police force must be responsible for the detection of crime within the area for the policing of which it is responsible, and it must also be responsible for carrying out such preventive measures as are agreed upon. As I have explained in another part of this note, it is necessary that the Commissioner of Police should have a special covenanted assistant to guide this work. It is not essential that this officer should be an expert with the knowledge of the chief experts in the main branch under the Inspector-General, because the knowledge of these men will be at his disposal whenever he requires it; but it is most advisable that he should be a senior officer not only with experience of Calcutta but one who has worked in the main office and therefore one who has been a chief expert. The Intelligence Department of the Inspector-General's staff should be the recruiting ground for the Deputy Commissioner. The duties of this officer in the Special Branch of the Calcutta Police should be—

- (1) to advise the Commissioner in all cases of revolutionary crime committed within the town, to guide the work of the Superintendent and the investigating officer, and to call in the experts from the Intelligence Branch of the Provincial force;
- (2) to carry out preventive measures on lines laid down by the Intelligence Branch and to suggest measures to the Commissioner of Police for communication to the head of that branch.
- (3) to collect information in accordance with the general guidance of the head of the Intelligence Branch, and to pass on this information to the Central Bureau.

“The Deputy Commissioner in charge of the Calcutta Special Branch should be directly under, and in all ways responsible to, the Commissioner of Police, from whom he must take orders in all important matters. The proper performance of his duties will necessitate his keeping in the closest touch with the Intelligence Branch, and he should not (unless in very exceptional circumstances) act on information which comes into his possession without consulting the Deputy Inspector-General. Independent action on his part might well hinder the work of the Deputy Inspector-General, who is responsible for the general direction of the campaign against revolutionary crime, but no orders should come to the Calcutta Deputy Commissioner through the Intelligence Branch, and his reports must be submitted in all cases to the Commissioner of Police, who, whenever he

thinks necessary, will pass them on to the Intelligence Branch. It is unnecessary for the Commissioner of Police to keep separate records of such matters. His Deputy Commissioner's reports should go to the Deputy Inspector-General in original. If at any time the Commissioner of Police requires them for reference he can obtain them without undue delay from the Intelligence Branch. The "Weekly Report" regarding political crime in Calcutta should be submitted by the Commissioner of Police himself direct to the Chief Secretary, a copy being sent at the same time to the Intelligence Branch.

"31. To carry out the duties outlined above the Deputy Commissioner in charge of the Calcutta Special Branch must have a staff sufficient to undertake the work. Special expert officers of the calibre of the experts of the Intelligence Branch he does not require, for these officers are at his disposal in case of need. He requires an adequate staff (a) to carry out the preventive measures; (b) to collect information.

"The staff must be sufficient to carry out all such duties in Calcutta, and it should never be necessary for the Intelligence Branch to depute officers to Calcutta for this purpose. No officers of the Intelligence Branch should work inside Calcutta without the consent of the Commissioner, and such consent should be asked for only in very exceptional cases. Inquiries should never be initiated in Calcutta by any but officers of the Calcutta force; but when a definite clue leads an investigating officer of the Bengal force to Calcutta, it would often be desirable that he should himself follow the clue with the knowledge of the Commissioner of Police and with such assistance from his officers as the Commissioner thinks advisable.

"The minimum staff required for this purpose can be decided only by those who have had experience; but I understand, owing to the weakness of the staff of the Calcutta Special Department, there are at present certain officers of the Intelligence Branch employed exclusively on Calcutta work, and in addition to this it is necessary to employ the ordinary officers of the Intelligence Branch on isolated enquiries within Calcutta which ought to be carried out by the Commissioner of Police's staff."

This question of the relationship between the Bengal Intelligence Branch and the Calcutta Special Branch is one of the most pressing problems in connection with police work in this Province. I think a solution on the above lines is possible, but whatever the solution be, care must be taken to see that the Commissioner of Police has an adequate staff to carry out all the duties for which he is held responsible.

CHAPTER XVIII.

Relations between the Special Branch and the people.

The political aim of all educated Bengalis who think seriously on such matters is, in the words of Abraham Lincoln, "Government of the people, by the people and for the people;" differences exist between serious thinking men, but these refer not to the aim but to the method by which the aim is to be attained. This aim is the direct result of education—not necessarily English education but any liberal education. Education leads the people first to consider the history of their country, and, as a natural consequence, leads them to look forward to a time when the country will be managed by the people of the soil and not by aliens. The first great thinker on these lines was Raja Rammohan Roy. He directed his energies in the interests of his country first to social and religious reform; but the political aspect was not absent from his mission to England in 1832. The gradual development of Bengali literature had much to do in the ripening of political ideas in the minds of the people. Poets like Ranglal, Hem Chandra, Nobin Chandra, Michael Madhusudan, and writers and essayists like Bankim Chandra, Raj Krishna, Bhudev, Romesh Chandra, Chandra Nath and a host of others fostered the feeling of patriotism in the minds of the people, and created a feeling of "ownness" in the history and literature of the land, and a corresponding feeling of antipathy towards foreigners, particularly Englishmen. Education spread, and the number of great men who gave their thoughts to the future of their country increased: by the middle of last century there was a well-recognised body of educated Indian opinion which was not satisfied with the present system of government in India and which called for reform along lines which would give the people of the soil a greater share in the government of the country. The Mutiny followed, and after the Mutiny, the Proclamation of Queen Victoria in 1858, which came to these men as a great charter of the Indian people. India was to be governed for the benefit of the people resident therein: and all subjects of the Queen in India of whatever race or creed, were to be freely and impartially admitted to offices in the Queen's service. They looked forward to an immediate alteration in the policy of the Government of India and to early substitution of Indians for Europeans in important offices in the State, and little stress was laid upon the qualifying clause "the duties of which they may be qualified by their education, ability and integrity, duly to discharge."

The progress looked for in this direction was not as great as was anticipated. The Indigo troubles served to increase the bitterness of racial feeling. Between 1860 and 1880 this feeling gradually grew worse and at the same time the circle of Indians who thought seriously on political matters was ever increasing and the gap between the Indian politicians on the one hand and the officials on the other was ever widening. Various measures during the period from 1876 to 1880 tended further to increase estrangement and the climax was reached during the Ilbert Bill agitation.

Meanwhile the Government of Lord Ripon gave a great stimulus to the aims of educated Indians. Lord Ripon introduced a system of local self-government and said at the time that local self-government must precede national self-government—thus, in the opinion of Indian politicians admitting that the aim of national self-government was legitimate.

The circle of those who were dissatisfied with the existing form of government in India had now become very large and it included all quarters of India. The opposition to and criticism of measures of the Government had consolidated Indian public opinion and, as a result, the Indian National Congress was inaugurated in 1885 and met for the first time at Bombay. This focussing of Indian public opinion was at first not unwelcome to the Government, and it was hoped that much good would follow from a free discussion of political ideals. But this did not last long and subsequently Government officers appear to have regarded the Congress as an unnecessarily disturbing element.

Meanwhile there was growing up a party in the country who regarded progress along constitutional lines as hopeless. Secret societies encouraged by Bankim Chandra's *Anandamath* are believed to have existed in Bengal as early as 1884. In Poona a secret society with political motives advocating outrages is known to have existed in 1897: Poona was the last capital of the old Marhatta power, which was overthrown in 1818, and there is little doubt that there was a movement amongst some Marhattas, the object of which was to obtain greater but probably an undefined measure of political freedom by unconstitutional means. Possibly the centre of this movement was shortly afterwards set up in Benares, a city which, as the centre of Hindu religious pilgrimage, is a good point from which to disseminate the propaganda of any movement all over India.

In 1899 the Congress met at Lucknow; there the young Benares party met Tilak and other Bombay men for the first time; and one of these, Krishna Abaji Gururji, organised a paper named *Kali Das* and was prosecuted for publishing articles considered objectionable by Government during the outbreak of plague in Benares in 1900.

The existence of a movement was known in Baroda, where there lived Arabinda Ghosh, of Calcutta. But Arabinda Ghosh was at that time little known in Calcutta. He came into prominence first as a member of the National Council of Education.

The Sivaji movement became popular in many parts of India; there were meetings in London and in Japan. Much was written concerning this movement in the columns of the *Hitaradi* in Calcutta. Babu Surendra Nath Banerji at a meeting in Calcutta in 1902 pointed to this celebration as evidence of a spirit of union among the various races in India. Meanwhile the cause of independence was being preached in Bengal. Barindra Ghosh had been to Baroda to stay with his brother Arabinda, and together no doubt they talked of this movement. About 1900 Barindra returned to Bengal and for two years toured the different districts as a political missionary, organising young men into little clubs for physical exercise and the study of politics; but he met with little success and gave his mission up as hopeless. He returned to Baroda for a year to his brother.

Meanwhile the minds of the educated community in Bengal were becoming disturbed by rumours that the province of Bengal was to be divided. In December 1903, Lord Curzon's Government published proposals for the transfer of the Chittagong and Dacca Divisions to Assam. These proposals were regarded as a blow aimed at the power of the zamindar in the districts of Eastern Bengal; and also as a measure for destroying the political power of the educated community in Bengal by dividing it into two interests. The whole educated community joined together to oppose the proposed partition, and in this they were encouraged by some Europeans, who possibly saw in the future the trade of the rich area east of the Jamuna river and the tea of Assam being deflected to a rival port at Chittagong.

This general opposition to the wishes of that portion of the community which could make itself most easily heard was welcomed by those who were working for greater political aims and especially by those who were working for the expulsion of the British power. There was a general belief that the partition proposals would be dropped and the agitation died down; but meanwhile the Government of India were considering a greater scheme, viz., that of adding the Rajshahi Division to the area to be transferred to the Assam side. And in July 1905 this greater scheme was published with the intimation that the Secretary of State's assent had been obtained and that the partition was forthwith to be carried out. There was an immediate outburst in the Press and on the platform, led in Bengal by Babu Surendra Nath Banerji, Babu Bhupendra Nath Basu, Babu Ambica Charan Mazumdar and Mr. J. Chaudhury.

It was early believed that ordinary constitutional opposition was hopeless. It was urged that all Bengalis holding honorary posts under Government should resign at once. At a meeting at Barisal in the end of July a song was sung suggesting opposition by force; and at the same time violently worded leaflets began to appear calling for violence and bloodshed. On

July 17th the *Amrita Bazar Patrika* published a letter in which the boycott of English goods was first advocated; the idea may have come from China where such a policy was reported to have been tried with success. At a meeting held in Calcutta on 7th August 1905, boycott was openly adopted as a policy. Articles were published deprecating the use of foreign salt and sugar, and it was suggested that their preparation was such as to render them injurious to caste prejudices; Manchester piece-goods were also placed under a ban.

The success of the Japanese against the Russians between the end of 1903 and the middle of 1905, added to the defeat of the Italians in Abyssinia, had further stimulated the imagination of those who were working for political freedom; and Arabinda Ghosh added weight to the movement by publishing the doctrine of "India a Nation," an idea which he based on religious grounds. It was possibly he who conceived the idea of sending missionaries in the garb of *sanyasis* to preach the worship of the motherland.

The boycott resolution of 1905 was followed by many acts of open violence, but of a mild nature; picketing, destroying goods and among the young men, rudeness to Europeans.

There was at the time considerable confusion of parties and want of definite known aims. Some were no doubt anxious for the complete expulsion of the European, others, more thoughtful, realized that this was not immediately possible, and to others again the acts of violence were repulsive; they did not know whither they were being carried.

Since 1885 the Congress had met regularly at different centres in India; many questions political and social were discussed but the influence which it was anticipated the body would have in obtaining reforms had not been realized and many were becoming tired of the iteration of demands which the Government apparently did not listen to. The situation had been rapidly developing and open dissension became apparent at the Session held at Benares in 1905. At the Session of 1906, held in Calcutta, there was an open rupture and at Surat in 1907, there was a scene which led to the breaking up of the Session. A minority had become impatient; they had tried constitutional methods; they wished self-government on the lines of the self-governing colonies and they wished some assurance that this aim would be achieved within a reasonable time. They wanted reform at once and not a gradual displacement of the present form of government by something else, and they wished to preach the use of *swadeshi* goods as a creed—not as a measure of economic preference; they wished to preach boycott in general as a legitimate means of asserting themselves—not merely boycott of foreign goods.

In 1905 Lord Morley became Secretary of State and the constitutional party looked forward to measures which would materially help them to achieve their ends. Nor were they disappointed. Lord Morley's scheme of reform of the Legislative Councils came into force in 1909 and Sir S. P. Sinha was appointed a member of the Viceroy's Executive Council and Mr. Amir Ali a member of the Privy Council. The regulations which accompanied the reforms, however, did not meet with universal approval.

In 1911 the King-Emperor visited India and his presence and the hopes of advance that it inspired caused for a time a great change in the political atmosphere. The modification of the partition by the King himself was regarded as a proof that the will of the people was in future to count for much, and the watch-word of "hope" given by the King was looked upon as an augury of a great advance in the government of the country by the people of soil.

Again, however, the march of events has not kept pace with the hopes of the people, and just as a period of disappointment succeeded the Proclamation of 1858, a period of disappointment has now set in.

Meanwhile the party which is ready to go any length to secure their political aims—a party which is influenced by the life and work of Mazzini and by the struggle for Italian independence—began to perfect its organization and to endeavour to secure its aims by incitement to rebellion, robbery and murder.

The outbreak of the war marks a new chapter. The difficulties of the British Empire have been taken advantage of by this party; but the constitutional politicians have recognised the great danger. They have recognised that their first duty is to support the Empire but they look forward to a great advance in the attainment of their aims as soon as peace is declared, and should they be disappointed again, it is difficult to say in what direction they may not be led.

The work of the Special Department of the Police has been organized to keep the Government informed of the trend of this great national movement; in so far as it is dangerous to the peace of the country and to the stability of the Government; to prevent the commission of crime by the extreme revolutionary party and to bring the criminals to justice.

Before the anti-partition movement the educated middle classes did not feel the presence of the police to any great extent, but owing to the anti-Government movement which arose, it became necessary for the police to know more of the movements of such of the *bhadralok* class as interested themselves in it. With this object in view "watchers" and special detective officers were employed to report the movements of particular individuals. This accentuated to the *bhadralok* class the presence of the police, and since then a feeling of antipathy to the police has gradually been gaining ground.

There exists among the educated classes in Bengal to-day a great fear of the Special Department of the Police, and in consequence to the feeling of dissatisfaction with the present form of government has been added a feeling of bitterness against the existing Government itself. Well-educated intelligent men believe that there is in Bengal a great army of secret service agents whose activities extend throughout the province, into the schools and colleges and even into the homes of the people. This feeling, especially when added to the other, is a great source of danger politically. It is not confined to those who are openly dissatisfied with the present form of government in India. It extends throughout the whole of the educated classes.

To understand the Bengali point of view it is necessary to try to define clearly certain terms which are constantly in use. "Patriotism" and "Sedition" are two of these terms. A patriot is one who loves his country and zealously supports and defends his country and his country's interests. Sedition is incitement of discontent against Government. In India there are two races from different countries, the one in the position of governing, the other of being governed. Patriotism does not mean the same to both—patriotism to the Bengali means the love of India and particularly of Bengal, and a zealous determination to defend India and Bengal and their interests; but this is not what patriotism means to the British officers who largely make up the governing body. It follows, therefore, that if the aims of Bengali patriotism are not in accord with the aims of the governing body there is bound to be dissatisfaction with the Government, and where the patriot is zealous there is bound to be incitement to discontent against Government and consequently sedition. This leads us to an examination of the aims of both parties—the governing body and the governed. The Bengali aim is the full development of India (and particularly of Bengal) as an integral and co-equal part of the British Empire; its ultimate government by the people of the soil under the King-Emperor and its present government in the interests of its people as subjects of the Empire. This is the aim not of a few "advanced" Bengalis: it is the aim of all but a very few of the educated Hindu classes and it is the aim with which the whole of the younger generation is imbued.

If this is not the aim of the governing body there must be sedition, and there are only two ways of dealing with the situation: either to inaugurate an educational campaign to convince the educated classes that their aim is a mistaken one and to turn them to the aim of the Government or to keep the forces of "sedition" in order by force or fear. The educational campaign would be a difficult one to undertake; and to keep the forces of sedition perpetually in control by force or fear, even if possible, could never lead to good government.

If then the aim of the governing body and the people is not the same, the Government have a hard task before them.

In the Proclamation of 1858, it was stated to be the earnest desire of the Crown to administer the Government of India for the benefit of all subjects resident therein. This the educated classes interpret as meaning the present Government of India in the interest of the people of India; and this taken with the subsequent introduction of self-governing and representative institutions, they regard as a promise that ultimately India will be governed by the people of the soil. The educated classes, therefore, rightly or wrongly believe that the aim of the Crown is identical with their aspiration. Unfortunately they have come to believe that the officers of the Crown in India are pursuing a policy which is not likely to attain this end as rapidly as is possible; and they do not believe that the officers constantly keep this aim in view. They believe, rightly or wrongly, that the majority of officers in India either honestly do not have the same aim in view as the Crown (in which case they should not remain in service) or that they believe that the attainment of the ideal is so far distant as to make the ideal itself a negligible factor in the present government of the country. In other words, the educated classes believe that the aims of the Crown's officers are different from theirs, and that in consequence these officers who form the Government in India regard the spread of Nationalist views as incitement to discontent against Government and therefore as "sedition." Nationalist views, as I have shown above, came into being long ago, and the expression of dissatisfaction with the Government of the country and the discussion of Indian ideals have been going on at least since 1880; but in former days such expressions and discussions, in private at least, did not attract the notice of the Government. To-day the situation is different; a small body has come into existence which is ready to do unlawful acts in support of these views, and all who hold them are apt to be associated with the evil done. Government too has created a new department to deal with this new form of crime and the educated classes believe it is the duty of this department to record all instances of dissatisfaction to enable them to prevent the crime arising therefrom. The vast majority of the educated classes, therefore, know that they hold views which, if openly expressed, would bring them under suspicion and might be regarded as proof of some connection with those who, holding similar views, have taken to crime to attain their ends. With this knowledge is it surprising that so many should live in fear of those officers of the police whose duty it is to detect and prevent revolutionary crime? They know that there are some men who are employed as secret agents by the police. Is it surprising under the circumstances that they should magnify their numbers till in common belief they amount to an army of hundreds and thousands?

So far an attempt has been made to look at the situation from the point of view of the *bhadralok*; there is also the point of view of the Special Department of the police to be considered. Dissatisfaction with the present form of government in India admittedly exists to a large extent among the educated classes. This dissatisfaction has led to the spread of a revolutionary propaganda, and there is known to exist an organization well knit together with centres over a large part of India, whose object is the overthrow of the British Government in India. The members of the organization are pledged to use all means lawful and unlawful in order to attain this end; they spread discontent against Government; they incite people to revolt; they commit robbery and dacoity; they do not stop at murder.

Among these who are dissatisfied with the present form of government there are four classes—

- (1) those who are passively dissatisfied, but take no active part in politics;
- (2) those who are openly dissatisfied, but who hope to attain their object by lawful means;
- (3) those who have given up hope of ever attaining self-government by lawful means; but are content to do nothing; and
- (4) those who are ready to adopt unlawful means to attain their ends and who have formed an organization with this object in view.

No definite line can be drawn between these classes, and men pass sometimes imperceptibly to themselves from one class to another; in other cases circumstances or experiences tend to drive them from one class to another. The ideal is common to all the classes; it is in methods alone that there is a difference. Hence men of the first and second class who abhor the crimes committed by the fourth, yet have a sympathy with the aims of the perpetrators which clouds their judgment regarding the crimes, and deters them from giving their whole-hearted support to general repressive measures. Hence also among the members of the fourth class there are men of character who live otherwise blameless lives and whose enthusiasm for their country—apart from the crimes committed—arouses genuine sympathy. With these men are associated baser spirits who have joined the organization from the love of excitement and still baser ones who find it easier to obtain the good things of this world by taking them from others, than by working for them themselves.

The Special Department of the Police has been formed to detect and to prevent these crimes. The police are the arm of the Government which deals with the maintenance of law and order; they deal with the affairs as they exist in accordance with the policy laid down by Government. It is no part of their duty to lay down the policy—should they do so they would usurp the functions of Government and we should be reduced to police rule. It is the duty of the Government to consider the causes of the dissatisfaction which are the root of the trouble and to initiate measures for dealing with the dissatisfaction either by removing it or by suppressing it. Once the policy has been laid down the police should be trusted to carry it out. In Bengal the dissatisfaction exists. There is incitement to discontent and a revolutionary organization has been formed. The instructions of the Government to the police it may be presumed are that the crimes committed by this organization should be as far as possible prevented (that is by police as apart from political measures) and when this has not proved possible, the perpetrators should be detected.

The number of crimes committed is comparatively small and the great ability, patience and bravery of the officers engaged in the work of detection can be appreciated only by those who have studied their work. The ability to follow clues, is acquired only by a detailed study of the results of the preventive measures, taken by the police, and for the present purpose it is these which will be examined. It is in these preventive measures rather than in the detection of a particular crime, that the officers come in contact with the public.

Connected with the prevention of crime the Department takes the following measures:—

(1) It records—

- (a) the names of individuals who by words and actions show sympathy with the revolutionary idea, together with the names of their associates and statements of their words and deeds;
- (b) incidents connected or possibly connected with revolutionary ideas;
- (c) information contained in documents which come into possession of the police during house searches, or during trials.

(4) It watches the movement of persons suspected of revolutionary ideas.

(3) It arrests prospective criminals under the various provisions of the law.

(4) It maintains a surveillance over the Press.

It is impossible for the police to confine their attention to the members of the revolutionary organization alone. Their numbers are being continually augmented by recruits from the other classes. The actions of the police depend upon the cumulative evidence of a variety of isolated incidents reported to them and recorded by them. To perform their duty effectively the Special

Department is bound to record all evidence of genuine dissatisfaction with Government. They cannot draw a line or classify dissatisfaction as harmless or harmful. From the police point of view all dissatisfaction is harmful and worthy to be recorded. Information is collected by the officers of the Special Department—(1) directly, (2) through friends and relations, (3) through paid agents; and it is the knowledge that every honest expression of dissatisfaction is likely to be taken up by some one and recorded in the archives of the police which causes so much unrest among the educated classes and which has created the belief that the country is overrun by police spies; so that a man fears to open his mind even to his brother.

This feeling is doing incalculable harm in Bengal. It has created and continues to create a great bitterness against, and distrust of, the Government in India. The Special Department of the Police has brought this about, but as I have shown, they have done so in the course of their duty and they could not have avoided doing so and done their duty at the same time.

In the present political situation a Special Department is necessary and the Department will continue to grow. In Bengal the work is being done by picked officers whose character for honest working is far above the average of the regular police force. The bravery and devotion to duty shown by many members is well known and is worthy of all praise. Their methods have been such as are recognised by all Police Forces, and their work both in the detection and in the prevention of revolutionary crimes has been admirable.

As I have shown above the unrest and distrust created and excited by the Department is a necessary result in the present circumstances of Bengal. The solution of the problem of allaying this fear of the "C. I. D." and the unrest among the educated classes does not lie in a reform of the Special Department. It lies in the ability of the Government to solve the problem of the dissatisfaction of the people of India with the present condition of affairs and with the present form of government. The solution lies in some political measure which will draw educated Indians as a class away from the feeling of hopelessness in their future destiny as a people and their feeling of distrust of the present government. If the Government could lay down for the guidance of officials a clear statement of the future policy of the Crown regarding the ultimate government of India this would be a great step in advance. The policy regarding the present government of India is already laid down in the Proclamation of 1858; but is the future policy to create as soon as possible a "Government of the people by the people and for the people?" If it is not, then a clear statement to that effect should be made. It would create a storm of protest from the Indians. It might increase their respect for the Government but the unrest it would cause would be hard to deal with. If on the other hand government by the people is the aim of the Government, a clear statement of the fact would give the officers encouragement to work in hearty co-operation with the people, and if educated Indians could be taught by our actions to believe that the officials are heart and soul with them in their aims—and want of experience alone on the part of the Indians holds them back—the revolutionary party would cease to have any sympathy with the people and the Special Department could soon overcome their efforts.

At the present time a feeling of hopelessness and consequent pessimism is fast spreading, and many think that as matters cannot be worse, the bomb and the revolver may tend to make them better. This feeling is not confined to the thoughtless and unstable; it is prevalent among the best students in the Colleges and in the homes of many of the best families in Bengal.

APPENDIX I (a).

SOME WORKS OF REFERENCE ON POLICE ADMINISTRATION AND KINDRED SUBJECTS.

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5. Holwell (John Zephaniah). *India Tracts.* Third edition. *London*, 1774. [Page 188 containing an account of the numbers of Pykes (town guards).]
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8. *Appendix to the Report from the Select Committee of the House of Commons on the Affairs of the East India Company, 16th August, 1832, and minutes of evidence.* Vol. IV—Judicial. *London*, 1833.
9. *View of the former and present state of the Calcutta Police, and suggestions for some alterations tending to its improvement.* *Calcutta*, 1840.
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11. *Papers regarding the reform of the Police throughout the older Provinces of India.* *Calcutta*, 1854.
12. *Minute by the Hon'ble the Lieutenant-Governor of Bengal on Police and Criminal Justice in Bengal.* *Calcutta*, 1856.
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14. *On the question of the propriety of prohibiting Native Police Officers from receiving confessions of prisoners.* *Calcutta*, 1857.
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17. *Report of the Police Commission regarding the constitution of police establishments throughout India, dated September 1860.* *Calcutta*, 1860.
18. *Resolution of the Government of India on the Report of the Indian Police Commission, 1902-03.* *Calcutta*, 1905.
19. *Selection of papers from the Records of the East India House relating to the Revenue, Police, and Civil and Criminal Justice under the Company's Government in India.* 4 vols. *London*, 1820-26.
20. *Report on the Police of the Province of Assam for 1852.* *Calcutta*, 1854.
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22. *Special Report of the Assam Police.* By Lieutenant-Colonel J. R. Pugh. *Calcutta*, 1869.
23. *Correspondence regarding the establishment of Divisional Police Battalions throughout the territories within the jurisdiction of the Lieutenant-Governor of Bengal.* *Calcutta*, 1859.
24. *Final Report on the Police Establishments of the Lower Provinces of Bengal.* By Lieutenant-Colonel H. Bruce. *Calcutta*, 1864.
25. *Report of the Committee appointed by Government to consider the Reform of the Police of the Lower Provinces of Bengal.* *Calcutta*, 1891.
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27. *Final Report on the Police Establishments of the Presidency of Bombay, including Sind.* By Lieutenant-Colonel H. Bruce. *Calcutta*, 1865.
28. *Minute on the past and present state of the Police in the Regulation districts of the Bombay Presidency, etc.* *Bombay*, 1861 (?).
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31. Report of the Committee appointed by Government, under Resolution dated 6th June 1890, to enquire into certain questions connected with the Police Administration of the North-Western Provinces and Oudh. (Evidence recorded by the Committee, etc.) 2 vols. *Allahabad*, 1891.
32. Police on the Grand Trunk Road. (Note on the Remuneration of the Rural Police, N.-W. P.) *Allahabad*, 1868. Selections from the Records of Government, N.-W. P. Vol. 4.—Police, Nos. 1 and 2.
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34. Pay of Village Chowkidars and Patwaris. *Lahore*, 1869. Selections from the Records of the Office of the Financial Commissioner, Punjab, No. 7.
35. Report of the Committee appointed by Government to consider certain questions connected with the Police Administration of the Punjab, November 1899 to February 1900. *Lahore*, 1900.
36. Memorandum on the Sind Police. *Bombay*, 1859.
37. Report on the state of the Police in the Tenasserim Provinces for 1852. *Calcutta*, 1854.
38. Report on the Police of the Arracan Division for 1860. By Major G. Verner. *Calcutta*, 1861.

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40. Official Correspondence during 1888-89 regarding the liability of the Corporation of Calcutta to pay police charges. *Calcutta*, 1889.
41. Report on the Police of the City of Calcutta and Suburbs, including the Salt Preventive Establishment and the Police of the Port. By Lieutenant-Colonel H. Bruce. *Calcutta*, 1864.
42. Report on the state of the Police of the Town of Calcutta during the year 1842. *Calcutta*, 1843.
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44. Report on the Police of the Chittagong Division for 1862. By W. G. Young, etc. *Calcutta*, 1863.
45. Report on the Police Establishments of the Division of Chota Nagpur. By Lieutenant-Colonel H. Bruce. *Calcutta*, 1864.
46. Report on the Police of the Cooh Behar Division for the year 1867. By Colonel J. C. Haughton. *Calcutta*, 1868.
47. Report of the Police of the Province of Cuttack for 1852-53. *Calcutta*, 1854.
48. Report on the Police of the Dacca Division for the year 1866. *Calcutta*, 1867.
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50. Report on the Police of Lohardugga, Hazareebaugh, Manbhoom and Singhbhoom for 1853. *Calcutta*, 1854.
51. Statement of the Police Committee on the Administration of the Madras City (District) Police. Two parts. *Madras*, 1902.
52. Report on the Police of the Patna Division for the years 1860 and 1866. *Calcutta*, 1860, 1867.
53. Report on the Police of the Rajshahye Division for the year 1866. *Calcutta*, 1867.

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APPENDIX I (b).

A LIST OF ARTICLES IN THE "CALCUTTA REVIEW" ON THE INDIAN POLICE AND THE ADMINISTRATION OF JUSTICE IN BENGAL AND KINDRED SUBJECTS.

1. The Rural Population of Bengal. Vol. I, 1844.
2. The Corruption of the Police. Vol. III, 1845.
3. Bengal As It Is. Vol. III, 1845.
4. Administration of Criminal Justice in Bengal. Vol. VI, 1846.
5. The Zemindar and the Ryot. Vol. VI, 1846.
6. Law Reform. Vol. VI, 1846.
7. Indian Law Reform. Vol. VII, 1847.
8. Criminal Justice in Bengal. Vol. X, 1848.
9. Revolutions concerning the Police and Courts. Vol. XI, 1849.
10. Criminal Law in Bengal. Vol. XII, 1849.
11. Our Judicial System and the Black Acts. Vol. XIII, 1850.
12. Trial by Jury in India. Vol. XIV, 1850.
13. Macpherson on Procedure in the Company's Civil Courts. Vol. XV, 1851.
14. The Anglo-Indian Courts of Justice. Vol. XVI, 1851.
15. The Company's Government. Vol. XIX, 1853.
16. The Court Amlas in Lower Bengal. Vol. XXII, 1854.
17. Criminal Administration in Bengal. Vol. XXVIII, 1857.
18. Criminal Statistics and Jail Discipline in Bengal. Vol. XXX, 1858.
19. Crime and Punishment in the Punjab. Vol. XXXII, 1859.
20. Non-Regulation Justice. Vol. XXXII, 1859.
21. Young Civilians and Mofussil Courts. Vol. XXXIII, 1859.
22. The Law Courts of the Bengal Presidency. Vol. XXXIV, 1860.
23. Police Reform in India. Vol. XXXVI, 1861.
24. The New Police in the North-West. Vol. XXXVII, 1861.
25. The Police of Bengal. Vol. XLI, 1865.
26. Criminal Administration in Bengal. Vol. XLI, 1865.
27. Civil Procedure in the Punjab. Vol. XLII, 1866.
28. The New Police. Vol. XLII, 1866.
29. County Courts and Courts of Small Causes. Vol. XLIII, 1866.
30. Indian and English Criminal Procedure. Vol. XLIV, 1866.
31. The Village Watch in Lower Bengal. Vol. XLIV, 1866.
32. Courts of Small Causes in Bengal. Vol. I, 1869.
33. The Bengal Police. Vol. LVI, 1873.
34. Mr. Stephen's Minute on the Administration of Justice in British India. Vol. LVI, 1873.
35. The Bengal Police. Vol. LIX, 1874.
36. The Bengal Police. Vol. LIX, 1874.
37. Ancient Hindu Tribunals. Vol. LXXII, 1878.
38. Rural Police and Decentralisation. Vol. LXXIII, 1881.
39. Old Lamps for New Ones (Ilbert Bill). Vol. LXXVII, 1883.
40. Police and Police Courts in British India. Vol. LXXXIX, 1884.
41. The Punjab Police. Part I. Vol. LXXXIX, 1884.
42. The Punjab Police. Part II. Vol. LXXX, 1885.
43. The Village Watch in Bengal; or a Century of Abortive Reform. Vol. LXXX, 1885.
44. Police Reform. Vol. LXXX, 1885.
45. Detective Experiences in Bengal. Vol. LXXX, 1885.
46. Moral Aspects of Trial by Peer. Vol. LXXXI, 1885.
47. Control over Criminals. Vol. LXXXI, 1885.
48. On the Treatment of Organized Crime. Vol. LXXXII, 1886.
49. Comparative Criminal Procedure. Vol. LXXXIII, 1886.
50. Financial and Administrative Reforms in India—Bengal. Part I.—Civil Justice. Vol. LXXXIV, 1887.
51. Obsolete Crime in Bengal and its Modern Aspects. Vol. LXXXIV, 1887.
52. Financial and Administrative Reforms in India—Bengal. Part II.—Police. Vol. LXXXV, 1887.
53. Comparative Penal Law. Vol. LXXXV, 1887.
54. Military Officers in the Indian Police. Vol. LXXXV, 1887.
55. Comparative Penal Law. Part II. Vol. LXXXV, 1887.
56. Comparative Penal Law. Part III. Vol. LXXXVI, 1888.
57. Trial by Jury in Bengal. Vol. LXXXVI, 1888.
58. The Village Police of Bengal. Vol. LXXXVII, 1889.
59. Comparative Criminal Law. Part I.—Crimes and Punishments. Vol. LXXXVII, 1888.
60. Notes on Criminal Justice. Vol. LXXXVII, 1888.
61. The Police of Calcutta. A Retrospect. Vol. LXXXVII, 1888.
62. The Administration of Justice in Bengal. Article I.—Civil Justice. Vol. LXXXVIII, 1888.
63. Civil Justice in the Santal Pergunahs. Vol. LXXXVII, 1888.

64. The Police of Calcutta. Vol. LXXXVIII, 1889.
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66. Trial of Questions of Fact in British India. Vol. LXXXVIII, 1889.
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